

LEGISLATIVE FINANCE-HOUSE / SENATE FINANCE COMM. FILES 8879

SB 110 cont. ; SB 111 611

in the permanent files of the police department and must be available for examination at any reasonable time by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council within 90 days after the date of each hire: (1) the Medical Exam Form; (2) the Health Questionnaire; (3) the Personal History Statement; and (4) the Psychological Examination Report, when the examination is mandatory.

(e) A police department shall begin field training with an officer, using the Field Training Manual, immediately after the officer is hired. If an officer attends an approved police academy within the first six months after employment as a police officer, or has been previously certified as a police officer, the Field Training Manual must be completed and sent to the council within the probationary period specified in 13 AAC 85.040(b)(3). In all other cases, the Field Training Manual must be completed and sent to the council within six months after the date the officer began work as a police officer with the department.

(f) The information in the council's files is confidential, and available only for use by the council in carrying out the requirements of AS 18.65.130 -- AS 18.65.290 and the regulations adopted under AS 18.65.130 -- AS 18.65.290. However, a police officer or applicant may review his own training records and the documents listed in (d) and (e) of this section. Information which indicates that a person may not qualify for certification as a police officer, or which adversely reflects upon a person's ability to be a competent officer, will, in the council's discretion, be furnished by the council to a participating police department which has hired or is considering hiring the person. A police officer or applicant may not review information in the council's files which was supplied to the council with the understanding that the information or the source of the information would remain confidential, except that any information which serves as the basis for a decision to deny or revoke certification must be revealed to the police officer or applicant.

(g) If the signature of an officer or applicant is required on a council form, the signature must be under oath or affirmation and must be accompanied by a statement by the officer or applicant that the information supplied is true, to the best of the signer's knowledge.

(h) The council will, in its discretion, design and distribute forms to aid police departments in obtaining the information required in

(c) of this section. (Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91)

Authority: AS 18.65.220
AS 18.65.240
Art. I, sec. 22,
Alaska Const.

13 AAC 85.020. PERMANENT EMPLOYMENT FOR POLICE OFFICERS. (a) A participating police department may not grant a person permanent status as a police officer unless the person has a current basic certificate issued by the council under 13 AAC 85.040.

(b) A participating police department may not employ a person as a police officer for more than 14 consecutive months unless the person has a current basic certificate issued by the council under 13 AAC 85.040, or unless an extension is granted under (c) of this section.

(c) The council will, in its discretion, grant an extension for employment for longer than 14 months if the chief administrative officer of the participating police department makes a written request for the extension and certifies that his department is temporarily understaffed. Additionally, an extension will, in the council's discretion, be granted to allow an officer to complete the necessary training if he is unable to do so in the first 14 months of his employment because of illness, injury, or family emergency. An extension will not exceed six months. (Eff. 8/19/73, Register 47; am 9/17/76, Register 59; am 8/10/80, Register 75; am 9/23/84, Register 91).

Authority: AS 18.65.220
AS 18.65.240

13 AAC 85.030. PERMANENT APPOINTMENT. Repealed 8/10/80.

13 AAC 85.040. BASIC, INTERMEDIATE, AND ADVANCED CERTIFICATES. (a) The Council will issue a basic, intermediate, or advanced certificate to a police officer meeting the standards set forth in (b), (c), or (d) of this section. No certificate will be issued unless documents required under 13 AAC 85.010(d) are submitted to the council.

(b) To be eligible for the award of a basic certificate, an applicant must

(1) be a full-time, paid police officer of a police department in Alaska;

- (2) meet the standards of 13 AAC 85.010(a) and (b);
- (3) have worked 12 consecutive months on a probationary basis with the police department where he is employed at the time of his application;
- (4) have successfully completed the basic police training program meeting the standards of 13 AAC 85.050 or 13 AAC 85.060;
- (5) attest that he subscribes to the law enforcement Code of Ethics as follows:

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I will recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself (before God)* to my chosen profession ... law enforcement.

* The phrase in parentheses may be omitted.

- (c) To be eligible for an intermediate certificate, an applicant must

(1) be a full-time, paid police officer of a police department in Alaska;

(2) possess a basic certificate; and

13 AAC 85.040(c)(3) is amended to read:

(3) have acquired the following combination of experience, training, and education points:

| | | | | | | | |
|---|------------------------------------|-----------------|-------------|-------------|-------------|-------------|-------------|
| Minimum years as a police officer | 2 | 4 | 4 | 5 | 6 | 7 | 8 |
| Minimum training points | APSC basic police training program | | 45 (900) | 38 (760) | 30 (600) | 23 (460) | 15 (300) |
| Minimum education points in college credits | BA or BS Degree | AA or AS Degree | 45 | 38 | 30 | 23 | 15 |

(d) To be eligible for an advanced certificate, an applicant must

(1) be a full-time, paid police officer of a police department in Alaska;

(2) possess a basic certificate; and

13 AAC 85.040(d)(3) is amended to read:

(3) have acquired the following combination of experience, training, and education points:

| | | | | | | | |
|---|------------------------------------|-----------------|-----------------|-------------|-------------|-------------|-------------|
| Minimum years as a police officer | 4 | 6 | 9 | 9 | 10 | 11 | 12 |
| Minimum training points | APSC basic police training program | | | 45 (900) | 40 (800) | 35 (700) | 30 (600) |
| Minimum education points in college credits | Masters Degree | BA or BS Degree | AA or AS Degree | 45 | 40 | 35 | 30 |

(Eff. 8/10/73, Register 47; am 9/17/76, Register 59; am 5/8/77, Register 62; am 8/10/80, Register 75; am 9/23/84, Register 91; am 5/23/85, Register 94;)

Authority: AS 18.65.220
AS 18.65.240

(e) The council may award an advanced certificate to an applicant who meets the requirements of (d)(1) and (d)(2) of this section and has 12 combined training and education points and 20 years experience as a police officer, or 30 combined training and education points and 15 years of experience as a police officer.

(f) College credits or degrees awarded by an institution of higher learning accredited by the National Association of Post-Secondary Education will be recognized by the council. College credits awarded for a basic police training program will not be recognized for education points toward an intermediate or advanced certificate. College credits awarded for advanced, supervisory, management, executive, or specialized law enforcement courses will, in the council's discretion, be recognized for either training or education points. Education points will be awarded on the following basis:

(1) one quarter college credit equals two-thirds of an education point,

(2) one semester college credit equals one education point.

(g) Twenty hours of council-certified or recognized police officer training equals one training point toward an intermediate or advanced certificate. All training must be documented and the course must have been completed successfully by the applicant. (Eff. 8/10/73, Register 47; am 9/17/76, Register 59; am 5/8/77, Register 62; am 8/10/80, Register 75, am 9/23/84, Register 91).

Authority: AS 18.65.220
AS 18.65.240

13 AAC 85.050. BASIC POLICE TRAINING PROGRAM. (a) The basic police training program consists of 40 hours of supervised field training as prescribed in the Alaska Police Standards Council Field Training Manual and at least 230 hours of instruction in basic law enforcement subjects.

(b) The basic police training program must include

(1) 10 hours of first aid instruction sufficient to qualify students for a Standard Red Cross First Aid Certificate or a council-approved equivalent; and

(2) instruction in criminal law, administration of justice, criminal investigation, offensive and defensive tactics, field techniques, traffic operations, precision driving, and firearms.

(c) To receive credit for the basic police training program, a person must attend all sessions of the course, except for absences approved by the school director or coordinator, and be awarded a certificate of graduation by the director or coordinator of the program. A Person may not be certified for successful completion of the basic police training program if

(1) his excused absences exceed 10 percent of the total hours of instruction;

(2) he fails to achieve a passing grade of 70 percent or higher on each block of instruction;

(3) he fails to achieve a cumulative average of 70 percent or higher; or

(4) he fails to achieve a grade of 75 percent or higher on the firearms portion of the basic program.

(d) The council will, in its discretion, refuse to authorize admission to the Municipal Police Academy for applicants or persons employed as police officers who are not eligible for certification as a police officer under 13 AAC 85.005 -- 13 AAC 85.150. (Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91).

Authority: AS 18.65.220
AS 18.65.240

Editor's Note

The APSC Field Training Manual for Police Recruits is on file in the Lieutenant Governor's Office, together with this chapter of regulations. Copies may also be obtained from the Alaska Police Standards Council, Pouch N, Juneau, Alaska, 99811.

13 AAC 85.060. WAIVER AND RECIPROCITY. (a) The council will, in its discretion, waive part or all of the basic police training requirements if an applicant furnishes satisfactory evidence that equivalent training was completed.

(b) The council may enter into reciprocity agreements with states which regulate or supervise the quality of police training, and which require a minimum of 230 hours of classroom training for police officers. (Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91).

Authority: AS 18.65.220
AS 18.65.240

13 AAC 85.070. LAW ENFORCEMENT CODE OF ETHICS. Repealed 8/10/80.

13 AAC 85.080. DISCRIMINATION PROHIBITED. Repealed 8/10/80.

13 AAC 85.090. PERSONNEL REPORTS AND TRAINING RECORDS. (a) A participating police department shall report to the council the name, address, and other pertinent information concerning each newly appointed police officer within 30 days after the police officer is appointed, except in those instances where a public record of the appointment would jeopardize the officer or the assignment.

(b) When a police officer resigns or is terminated from a participating police department, the department shall notify the council within 30 days after the resignation or termination, and shall state the reason for the resignation or termination.

(c) Forms for the notification required in (a) and (b) of this section will be supplied by the council. The council will keep the information, and will, in its discretion, furnish it to a police department that has hired or is considering the hire of a person who resigned or was terminated from employment as a police officer. (Eff. 8/10/73, Register 47; am 9/17/76, Register 59; am 8/10/80, Register 75; am 9/23/84, Register 91).

Authority: AS 18.65.220
AS 18.65.240

13 AAC 85.100. DENIAL OF CERTIFICATES. (a) The council will, in its discretion, deny a basic certificate upon a finding that the applicant for the certificate

(1) falsified or omitted information required to be provided on the application for certification or on supporting documents;

(2) has been discharged or resigned under threat of discharge, for cause, from employment as a police officer in this state or any other state or territory; or

(3) does not meet the standards in 13 AAC 85.010(a) or (b).

(b) The council shall deny a basic certificate upon a finding that the applicant for the certificate

(1) has, after hire as a police officer, been convicted of a felony, or of a misdemeanor crime listed in 13 AAC 85.010(b)(2); or

department; separation of less than 91 consecutive days will be considered unbroken service;

(5) "controlled substance" means a controlled substance as defined in AS 11.71.900(4);

(6) "felony" means a crime classified as a felony in Alaska at the time the crime was committed; a conviction in another jurisdiction by a civilian or military court is a felony conviction if the crime has elements similar to those of a felony under Alaska law at the time the offense was committed; a suspended imposition of sentence, expungement of record, or a pardon does not remove a felony conviction from a person's record;

(7) "for cause" means inefficiency, incompetency, dishonesty, misconduct, or some other reason which adversely affects the ability and fitness of the officer to perform his duties or which is detrimental to the reputation, integrity, or discipline of the department;

(8) "good moral character" means the absence of acts or conduct which would cause a reasonable person to have substantial doubts about an individual's honesty, fairness and respect for the rights of others and for the laws of the state and the nation; for purposes of this standard, a determination of lack of "good moral character" is not restricted to acts that reflect moral turpitude, but may be based upon a consideration of all aspects of a person's character; the following are indicia of a lack of good moral character:

(A) illegal conduct;

(B) conduct involving moral turpitude;

(C) conduct involving dishonesty, fraud, deceit, or misrepresentation;

(D) intentional deception or fraud or attempted deception or fraud in an application, examination, or other document for securing eligibility or certification;

(E) conduct that adversely reflects on a person's fitness to perform as a police officer; examples include intoxication while on duty, unauthorized absences from duty not involving extenuating circumstances, or a history of personal habits off the job which could affect the officer's performance on the job, such as excessive use of alcohol;

(F) illegal purchase, use, possession, transportation, distribution, cultivation, manufacture, or sale of any controlled substance or any imitation controlled substance;

(9) "imitation controlled substance" means an imitation controlled substance as defined in AS 11.73.099(3);

(10) "misdemeanor" means a crime classified as a misdemeanor in Alaska at the time the crime was committed; a conviction in another jurisdiction by a civilian or military court is a misdemeanor conviction if the crime has elements similar to those of a misdemeanor under Alaska law at the time the offense was committed; a suspended imposition of sentence, expungement of record, or a pardon does not remove a misdemeanor conviction from a person's record;

(11) "moral turpitude" means an act contrary to justice, honesty, principle, or good morals; an act which violates the private and social duties which a person owes to another or to society in general; or an act which is immoral in itself, regardless of illegality;

(12) "serious physical injury" means serious physical injury as defined in AS 11.81.900(b)(50). (Eff. 8/10/73, Register 47; am 8/10 80, Register 75; am 9/23/84, Register 91).

Authority: AS 18.65.220
AS 18.65.240

(2) has, after hire as a police officer, used marijuana; illegally used or possessed any other controlled substance; or illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance.

(c) If a basic certificate was denied under this section, the applicant may request reconsideration of the denial after one year following the date of the denial. The applicant shall state in writing the reasons why the denial should be reconsidered. A hearing must be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the denial, and will state on the record at the hearing, or in writing, the reasons for the decision. If the denial is rescinded, the applicant is eligible for hire by a participating police department, but must serve the full probationary period required under 13 AAC 85.040(b)(3) before he may apply for certification. (Eff. 8/10/80, Register 75; am 9/23/84, Register 91).

Authority: AS 18.65.220
AS 18.65.240

13 AAC 85.110. REVOCATION OF CERTIFICATES. (a) The council will, in its discretion, revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate

(1) falsified or omitted information required to be provided on an application for certification at any level, or in supporting documents;

(2) has been discharged or resigned under threat of discharge, for cause, from employment as a police officer in this state or any other state or territory; or

(3) does not meet the standards in 13 AAC 85.010(a) or (b).

(b) The council shall revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate

(1) has, after hire as a police officer, been convicted of a felony, or of a misdemeanor crime listed in 13 AAC 85.010(b)(2); or

(2) has, after hire as a police officer used marijuana; illegally used or possessed any other controlled substance; or illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance.

(c) If a basic, intermediate, or advanced certificate was revoked under this section, the former police officer may petition the council for rescission of the revocation after one year following the date of the revocation. The petitioner must state in writing the reasons why the revocation should be rescinded. A hearing must be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the revocation, and will state on the record at the hearing, or in writing, the reasons for the decision. If the revocation is rescinded, the petitioner is eligible for hire by a participating police department, but must serve a probationary period under 13 AAC 85.040(b)(3) before he may apply for reinstatement of his basic, intermediate, or advanced certificate. (Eff. 9/23/84, Register 91).

Authority: AS 18.65.220
AS 18.65.240

13 AAC 85.120. LAPSE OF CERTIFICATES. (a) A basic, intermediate, or advanced certificate lapses if the holder is not employed as a police officer with a police department in this or another state or territory for a period of 12 consecutive months.

(b) A person may request reinstatement of a lapsed certificate after serving an additional 12-month probationary period. The council will, in its discretion, require supplemental training as a condition of reinstatement. (Eff. 9/23/84, Register 91).

Authority: AS 18.65.220
AS 18.65.240

13 AAC 85.150. DEFINITIONS. In this chapter

- (1) "council" means the Alaska Police Standards Council;
- (2) "participating police department" includes the Alaska Department of Public Safety and a police department of any political subdivision of the state that has not excluded itself under the provisions of AS 18.65.280(b);
- (3) "police department" means a civil force of police officers organized by the state, or a political subdivision of the state, whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses;
- (4) "probationary period" means employment as a police officer for a period of 12 consecutive months with a single police

department; separation of less than 91 consecutive days will be considered unbroken service;

(5) "controlled substance" means a controlled substance as defined in AS 11.71.900(4);

(6) "felony" means a crime classified as a felony in Alaska at the time the crime was committed; a conviction in another jurisdiction by a civilian or military court is a felony conviction if the crime has elements similar to those of a felony under Alaska law at the time the offense was committed; a suspended imposition of sentence, expungement of record, or a pardon does not remove a felony conviction from a person's record;

(7) "for cause" means inefficiency, incompetency, dishonesty, misconduct, or some other reason which adversely affects the ability and fitness of the officer to perform his duties or which is detrimental to the reputation, integrity, or discipline of the department;

(8) "good moral character" means the absence of acts or conduct which would cause a reasonable person to have substantial doubts about an individual's honesty, fairness and respect for the rights of others; and for the laws of the state and the nation; for purposes of this standard, a determination of lack of "good moral character" is not restricted to acts that reflect moral turpitude, but may be based upon a consideration of all aspects of a person's character; the following are indicia of a lack of good moral character:

(A) illegal conduct;

(B) conduct involving moral turpitude;

(C) conduct involving dishonesty, fraud, deceit, or misrepresentation;

(D) intentional deception or fraud or attempted deception or fraud in an application, examination, or other document for securing eligibility or certification;

(E) conduct that adversely reflects on a person's fitness to perform as a police officer; examples include intoxication while on duty, unauthorized absences from duty not involving extenuating circumstances, or a history of personal habits off the job which could affect the officer's performance on the job, such as excessive use of alcohol;

(F) illegal purchase, use, possession, transportation, distribution, cultivation, manufacture, or sale of any controlled substance or any imitation controlled substance;

(9) "imitation controlled substance" means an imitation controlled substance as defined in AS 11.73.099(3);

(10) "misdemeanor" means a crime classified as a misdemeanor in Alaska at the time the crime was committed; a conviction in another jurisdiction by a civilian or military court is a misdemeanor conviction if the crime has elements similar to those of a misdemeanor under Alaska law at the time the offense was committed; a completed suspended imposition of sentence, expungement of record, or a pardon does not remove a misdemeanor conviction from a person's record unless the offense was committed by the person before the age of 21;

(11) "moral turpitude" means an act contrary to justice, honesty, principle, or good morals; an act which violates the private and social duties which a person owes to another or to society in general; or an act which is immoral in itself, regardless of illegality;

(12) "serious physical injury" means serious physical injury as defined in AS 11.81.900(b)(50). (Eff. 8/10/73, Register 47; am 8/10 80, Register 75; am 9/23/84, Register 91, am 3/13/89, Register 109).

Authority: AS 18.65.220
AS 18.65.240

**STATE OF ALASKA
1989 LEGISLATIVE SESSION**

**BILL VERSION: SSSB 110
PUBLISH DATE: 2/21/89**

FISCAL NOTE

Revision Date: 2/21/89
Title: Airport Security Police

Agency Affected: DOT&PF
BRU: Anchorage and Fairbanks
International Airports

Sponsor: Sturgulewski
Requestor: Senate Transportation

Components: Airport Safety

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

| OPERATING | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 |
|------------------------|----------|----------|----------|----------|----------|----------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTURAL | 14.4 | 14.4 | 14.4 | 14.4 | 14.4 | 14.4 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS, CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|----------------|-------------|-------------|-------------|-------------|-------------|-------------|
| CAPITAL | 14.4 | 14.4 | 14.4 | 14.4 | 14.4 | 14.4 |
|----------------|-------------|-------------|-------------|-------------|-------------|-------------|

| | | | | | | |
|----------------|----------|----------|----------|----------|----------|----------|
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------|----------|----------|----------|----------|----------|----------|

FUNDING: (THOUSANDS OF DOLLARS)

| | | | | | | |
|---------------|-------------|-------------|-------------|-------------|-------------|-------------|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER* | 14.4 | 14.4 | 14.4 | 14.4 | 14.4 | 14.4 |
| TOTAL | 14.4 | 14.4 | 14.4 | 14.4 | 14.4 | 14.4 |

* International Airport Revenue Fund

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)

Prepared by: D. Randy Simmons, Deputy Commissioner
Division: Budget and Finance

Phone: 465-3900
Date: 03/01/89

Approved by Commissioner: Mark S. Hickey
Agency: Department of Transportation and Public Facilities

Date: 03/01/89

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

FISCAL ANALYSIS FOR SSSB 110

March 1, 1989

A review of the bill indicates the only additional cost would be in providing psychological testing and polygraph examination of new applicants. *

ANCHORAGE INTERNATIONAL AIRPORT

For Anchorage International Airport, historical employee turnover is nine (9) employees per year. It is estimated that three (3) applicants would receive the tests before final selection for each position. The cost of the examination is \$400 (\$250 for psychological and \$150 for polygraph). The total cost would be nine (9) hires x three (3) applicants x \$400.00 = \$10,800.

FAIRBANKS INTERNATIONAL AIRPORT

For Fairbanks International Airport, historical employee turnover is three (3) employees per year. It is estimated that three (3) applicants would receive the tests before final selection for each position. The cost of the examination is \$400 (\$250 for psychological and \$150 for polygraph). The total cost would be nine (3) hires x three (3) applicants x \$400.00 = \$3,600.

* A comment from the Department of Administration, Labor Relations, indicates that they see no immediate impact. However, they do feel that there may be long range impact, due to possible requests for salary increases due to the necessary certification.

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SENATE COMMITTEE REPORT

FURTHER

3/23/89

DATE TURNED INTO OFFICE _____

Mr. President:

Finance

SB 111

Committee considered _____

boating safety, boating accidents, and boat numbering; efd

and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

*Bill died in committee.
Hearing 4-14-89*

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Chairman signature and recommendation

Committee Backup attached

SENATE COMMITTEE REPORT

(b)

FIRST COMMITTEE OF REFERRAL

6-0167H

Date of 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

FINANCE

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

1/13/89

DATE TURNED INTO OFFICE 3-22-89

Mr. President:

STATE AFFAIRS

Committee considered

SB 111

boating safety, boating accidents, and boat numbering; efd

and recommended:

replace with cs SB 111 (ST AFF) same title

attached amendment(s) and

+ reports it back as follows

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) attached zero
 appropriation no FN attached

fiscal impact
 Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

3 *Will Adams - DO NOT PASS*
3 *John Fink - DO NOT PASS*
2 *Tim Kelly - No Rec*

[Signature]
Chairman signature and recommendation

Committee backup attached

Offered: 3/23/89
Referred: Finance

6-0167H

Original sponsors: Sturgulewski, Duncan,
and Uehling

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 111 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to boating safety, boating acci-
7 dents, and boat numbering; and providing for an
8 effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 05.25 is amended by adding new sections to read:

11 ARTICLE 1. BOATING SAFETY.

12 Sec. 05.25.200. BOATING SAFETY EDUCATION. The department shall
13 offer public education programs designed to reduce boating accidents.
14 The department may cooperate with or award contracts to government
15 agencies and private organizations to provide boating safety education
16 programs.

17 Sec. 05.25.210. SAFETY EQUIPMENT. (a) A boat must carry and
18 exhibit between sunset and sunrise at least one white light to show
19 all around the horizon.

20 (b) A boat must carry at least one readily accessible life
21 preserver, lifebelt, ring buoy, or other device of a type approved by
22 the United States Coast Guard for each person on the boat. A boat
23 carrying passengers for hire shall carry at least one readily accessi-
24 ble life preserver of a type approved by the United States Coast Guard
25 for passenger-carrying boats for each person on the boat.

26 (c) The commissioner may require by regulation that a boat or
27 class of boats carry additional equipment necessary for the safety of
28 persons and property. To the extent determined by the commissioner to
29 be consistent with the safety of persons and property, the regulations
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1 adopted under this subsection must conform to the applicable regula-
2 tions of the United States Coast Guard.

3 Sec. 05.25.220. DIVER'S FLAG. (a) A person who is in the water
4 using an underwater breathing device may display a diver's flag while
5 diving operations are in progress. The diver's flag may be displayed
6 on a boat or surface float, must extend at least three feet above the
7 surface of the water, and must be placed at or near the point of
8 submergence. A diver shall remain within 100 feet of the diver's flag
9 while at or near the surface. The diver's flag constitutes a warning
10 that a diver may be within 100 feet of the flag. A diver's flag must
11 be constructed of rigidly supported material at least 12 inches high
12 by 12 inches wide with a white diagonal stripe on a red background.

13 (b) A boat operator within sight of a diver's flag shall proceed
14 with caution, steering clear of the flag by a distance of at least 100
15 feet. If, because of the location of the diver's flag, it is impossi-
16 ble to steer clear of the flag by at least 100 feet, then the boat
17 operator shall proceed at no-wake speed or five miles per hour, which-
18 ever is necessary to maintain steerage in the seaway.

19 (c) A diver's flag under this section may be used with, but not
20 in place of, an International Code flag "A" if required under 33
21 U.S.C. following 1602 (Rule 27, International Regulations for Prevent-
22 ing Collisions at Sea, 1972).

23 Sec. 05.25.230. PROHIBITED OPERATION. (a) A person may not
24 operate a boat or manipulate water skis, a surfboard, or a similar
25 device on state water in a reckless or negligent manner so as to
26 endanger the life or property of another person.

27 (b) A person may not operate or give permission for another
28 person to operate a boat that is not equipped as required under this
29 chapter and regulations adopted under this chapter.

1 **Sec. 05.25.290. APPLICATION OF AS 05.25.210 - 05.25.290; REGU-**
2 **LATIONS. (a) AS 05.25.210 - 05.25.290 apply to boats operated in**
3 **state water, except when inconsistent with applicable federal law, in**
4 **which case federal law prevails.**

5 **(b) The commissioner shall adopt regulations to implement AS 05.-**
6 **25.210 - 05.25.290. Each regulation must specify those waters of the**
7 **state to which the regulation applies. A regulation may not apply to**
8 **water where an inconsistent federal law prevails.**

9 **ARTICLE 2. BOATING ACCIDENTS.**

10 **Sec. 05.25.300. DUTIES OF OPERATORS AND WITNESSES AT ACCIDENTS.**

11 **(a) The operator of a boat that is involved in an accident resulting**
12 **in injury or death to a person or in damage to property shall immedi-**
13 **ately stop the boat as near as possible to the scene of the accident.**
14 **The operator shall remain at the scene of the accident until the**
15 **operator has fulfilled the requirements of (b) of this section.**

16 **(b) The operator of a boat that is involved in an accident**
17 **resulting in injury or death to a person or in damage to property**
18 **shall**

19 **(1) give the name and address of each occupant of the boat**
20 **and identifying number of the boat that the operator is operating to**

21 **(A) the operator of any other boat involved in the**
22 **accident;**

23 **(B) the owner or a surviving occupant of the other**
24 **boat or the owner of the damaged property; or**

25 **(C) another appropriate person; and**

26 **(2) render reasonable assistance to each person injured in**
27 **the accident, including the conveying or providing for the conveying**
28 **of the injured person to a physician or hospital for medical treat-**
29 **ment, if it is apparent that treatment is necessary or if conveyance**

1 is requested by an injured person.

2 (c) A witness to a boating accident shall furnish the witness's
3 name and address to an operator or occupant of each boat involved in
4 the accident, to a person injured in the accident, and to the owner of
5 property damaged in the accident.

6 Sec. 05.25.305. NOTICE OF ACCIDENT RESULTING IN DEATH OR DISAP-
7 PEARANCE. (a) When a person dies as a result of an accident that
8 involves a boat or its equipment or a person disappears from a boat,
9 the operator shall, without delay, by the quickest means available,
10 notify the department of the

11 (1) date, time, and exact location of the occurrence;

12 (2) name of each person who died or disappeared;

13 (3) number and name of the operator's boat; and

14 (4) name and address of the owner and the operator.

15 (b) If the operator of a boat cannot give the notice required
16 under (a) of this section, the owner of the boat, if different from
17 the operator, shall submit the report or cause the report to be sub-
18 mitted. If the operator and the owner of the boat cannot give the
19 notice, then each person present on the boat when the accident or
20 disappearance occurred shall notify the department or determine that
21 the notice has been given.

22 Sec. 05.25.310. ACCIDENT REPORT REQUIRED. (a) The operator of
23 a boat involved in an accident, or the owner of the boat if the opera-
24 tor cannot submit a report, shall submit a report of the accident to
25 the department if the accident results in

26 (1) the death of a person;

27 (2) injury to a person requiring medical treatment beyond
28 first aid;

29 (3) the disappearance from the boat of a person under

1 circumstances indicating death or injury;

2 (4) damage to the boat or other property in an aggregate
3 amount of more than \$500; or

4 (5) complete loss of the boat.

5 (b) The department may require a person who submits an insuffi-
6 cient report under this section to file a supplemental report, and may
7 require a witness to the accident to submit a report to the depart-
8 ment.

9 (c) A report required under this section shall be submitted in
10 the form and manner prescribed by the department within

11 (1) 48 hours after the accident if a person dies within 24
12 hours after the accident;

13 (2) 48 hours after the accident if a person is injured and
14 requires medical treatment beyond first aid;

15 (3) 48 hours after the disappearance of a person from a
16 boat if circumstances indicate death or injury to the person; and

17 (4) 10 days after the accident or death if an earlier
18 report is not required under this subsection.

19 (d) The department shall prepare forms for accident reports
20 required under this section and shall provide the forms to the public.
21 The report form must request the information required in casualty and
22 accident reports under United States Coast Guard regulations and may
23 request other information the department considers necessary. The
24 person who completes the form shall sign and date it upon completion.

25 **Sec. 05.25.315. DEATH CERTIFICATES.** Within 60 days after the
26 death occurs, the state registrar of vital statistics shall forward to
27 the department a copy of the death certificate for each death
28 resulting from a boat accident.

29 **Sec. 05.25.320. CONFIDENTIALITY OF ACCIDENT REPORT.** (a) An

1 accident report submitted to the department is without prejudice to
2 the individual reporting and is solely for the confidential use of
3 administrative and enforcement agencies.

4 (b) The department upon written request, shall disclose the
5 following information, if available, to a party involved in an acci-
6 dent, or, in the event of the party's death, to a member of the par-
7 ty's family or to the party's personal representative:

8 (1) the identity of the owner, operator, and occupants of
9 each boat involved in the accident;

10 (2) the identifying number of each boat involved in the
11 accident;

12 (3) the name of each company insuring the owner or operator
13 of each boat involved in the accident; and

14 (4) the identity of each witness to the accident.

15 (c) A report filed under AS 05.25.310 - 05.25.320 may not be
16 used as evidence in a civil action or criminal prosecution arising out
17 of the accident. The department shall furnish, upon demand of a
18 person who has or claims to have made a report under AS 05.25.310 -
19 05.25.320 or upon order of a court, a certificate stating whether a
20 specified accident report has been filed with the department. The
21 certificate is admissible in a civil action or criminal prosecution
22 solely to prove compliance or failure to comply with the reporting
23 requirement.

24 (d) The department shall compile and may analyze all accident
25 reports. The department shall publish at least annually, statistical
26 information relating to boat accidents.

27 (e) In response to a request from an authorized official or
28 agency of the United States, or in compliance with United States Coast
29 Guard regulations or a requirement under 46 U.S.C. 6101 - 6103, the

1 department shall provide information compiled or otherwise available
2 to the department from the accident reports required under AS 05.-
3 25.310 - 05.25.320.

4 Sec. 05.25.325. APPLICATION OF AS 05.25.300 - 05.25.320. (a)
5 The provisions of AS 05.25.300 - 05.25.320 apply to all boats operated
6 in state water, except

7 (1) as provided in this section or AS 05.25.910;
8 (2) when inconsistent with an applicable federal law or
9 regulation in which case the federal law or regulation prevails.

10 (b) The provisions of AS 05.25.300 - 05.25.320 do not apply to
11 (1) a boat that has a valid document issued by the United
12 States Coast Guard and that is operated only for nonrecreational
13 purposes;
14 (2) foreign boats operated temporarily in state water only
15 for nonrecreational purposes;
16 (3) a boat owned and operated for government purposes by
17 the United States or by an entity of the United States; or
18 (4) a ship's lifeboat.

19 ARTICLE 3. NUMBERING AND REGISTRATION.

20 Sec. 05.25.400. CERTIFICATE OF NUMBER REQUIRED ON BOAT. (a) A
21 person may not operate a boat on state water, and an owner of a boat
22 may not knowingly allow another person to operate the owner's boat on
23 state water, unless

24 (1) the owner of the boat holds a current, valid certifi-
25 cate of number issued in the owner's name as owner; and

26 (2) the certificate of number is
27 (A) carried on the boat in a manner that protects the
28 certificate from destruction or deterioration; and

29 (B) available for inspection by a state, federal, or

1 municipal law enforcement officer.

2 (b) A certificate of number for a boat less than 26 feet in
3 length and leased or rented to another person for that person's non-
4 commercial operation for a period of less than seven days may be
5 retained on shore by the boat's owner or representative at the place
6 from which the boat departs or returns to the possession of the owner
7 or the owner's representative. If the certificate of number is re-
8 tained on shore, then a copy of the lease or rental agreement shall be
9 carried on the boat. The lease or rental agreement must

10 (1) be signed by the owner of the boat or the owner's
11 representative, and by the person leasing or renting the boat;

12 (2) specify the period for which the boat is leased or
13 rented, and

14 (3) include the identifying number for the boat.

15 Sec. 05.25.405. PLACEMENT OF IDENTIFYING NUMBER AND DECAL. (a)
16 A person may not operate a boat on state water unless the boat dis-
17 plays the valid identifying number awarded to the boat and the valida-
18 tion decal in the manner required under this section.

19 (b) An identifying number shall be painted on or permanently
20 attached to each side of the forward half of the vessel in a position
21 that is clearly visible for identification. Each number must read
22 from left to right and must be in plain vertical block characters of
23 good proportion not less than three inches in height. The number must
24 be of a color that contrasts with the color of the background and
25 shall be maintained so that it is clearly visible and legible. Each
26 number must have spaces or hyphens that are equal to the width of a
27 letter other than "I" or a number other than "1" between the letter
28 and number groupings.

29 (c) On boats so configured that a number on the hull or

1 superstructure would not be easily visible, the number shall be paint-
2 ed on or attached to a backing plate that is attached to the forward
3 half of the boat so that the number is visible from each side of the
4 boat.

5 (d) A number other than the identifying number may not appear on
6 the forward half of the boat.

7 (e) A validation decal issued under AS 05.25.425 shall be placed
8 three inches to the rear of the identifying number.

9 Sec. 05.25.410. APPLICATION FOR CERTIFICATE OF NUMBER. (a) The
10 owner of a boat that is operated principally on state water, or a
11 dealer who wishes to demonstrate one or more boats on state water,
12 shall apply to the department for a certificate of number. The appli-
13 cation must include

14 (1) the true name of the owner or dealer;

15 (2) the residence or business address of the owner or
16 dealer;

17 (3) a description of the boat, or in the case of a dealer a
18 description of the lengths and types of boats, to be operated under
19 the certificate; and

20 (4) other information required by the department or by
21 United States Coast Guard regulations.

22 (b) The owner or dealer shall sign the application and shall pay
23 the prescribed fee at the time of application.

24 (c) A certificate of number may be issued to a dealer for use on
25 more than one boat.

26 Sec. 05.25.415. APPLICATION BY OWNER HAVING NUMBER AWARDED BY
27 FEDERAL GOVERNMENT OR ANOTHER STATE. The owner of a boat having a
28 valid certificate of number that has been issued under federal law or
29 a federally approved numbering system of another state shall apply to

1 the department for an identifying number within 10 days after the
2 expiration of the applicable reciprocity period provided in AS 05.25.-
3 445(6) or (7).

4 Sec. 05.25.420. CERTIFICATE OF NUMBER FEES. (a) The commis-
5 sioner shall adopt regulations establishing fees for original, renew-
6 al, and duplicate certificates of number, and for dealer demonstration
7 certificates of number.

8 (b) The fees in this section are in addition to any other tax or
9 license fee for a boat.

10 Sec. 05.25.425. ISSUANCE OF CERTIFICATE OF NUMBER AND VALIDATION
11 DECALS. (a) If the application is in order, the department shall
12 issue to the owner a certificate of number that states the identifying
13 number awarded to the boat, the name and address of the owner, the
14 state of principal use, the normal use of the boat, the description of
15 the boat, the manufacturer's hull identification number if one exists,
16 make, year, length, type of hull material, type of propulsion and type
17 of fuel, the issue date, and the expiration date of the certificate of
18 number. The certificate of number must be wallet size.

19 (b) The identifying number awarded to a boat shall contain the
20 capital letters "AK", followed by

21 (1) not more than four numerals followed by not more than
22 two capital letters other than the letters "I", "O", or "Q"; or

23 (2) not more than three numerals followed by not more than
24 three capital letters other than the letters "I", "O", or "Q".

25 (c) The department shall issue a set of validation decals bear-
26 ing the year in which the certificate of number expires. The year
27 shall also be indicated by the color blue, international orange,
28 green, or red, in rotation in the order stated, beginning with blue
29 for stickers that expire in 1993. A validation decal must be a square

1 approximately three inches on each side.

2 **Sec. 05.25.430. EXPIRATION OF CERTIFICATE OF NUMBER; RENEWAL OF**
3 **CERTIFICATE AND DECALS.** (a) A certificate of number expires three
4 years after the last day of the month in which the certificate is
5 issued.

6 (b) The department may require the surrender of the expired cer-
7 tificate of number before issuing a new certificate of number.

8 (c) Renewal of the certificate of number does not change the
9 identifying number awarded to a boat by the department.

10 (d) An application for renewal of a certificate of number shall
11 be made in the same manner as provided in AS 05.25.410. The applica-
12 tion shall be accompanied by the fee required under AS 05.25.420. The
13 department shall renew certificates of number and issue validation
14 decals in the same manner as provided in AS 05.25.425.

15 **Sec. 05.25.435. VALIDITY OF CERTIFICATE OF NUMBER.** A certifi-
16 cate of number issued under this chapter is invalid if

17 (1) the boat is subsequently documented or required to be
18 documented;

19 (2) the boat is sold, destroyed, or abandoned;

20 (3) the applicant supplies false information in the appli-
21 cation for the certificate;

22 (4) the fees for issuance or renewal of the certificate are
23 not paid;

24 (5) 60 days have elapsed since the boat ceased to be used
25 principally in the state; or

26 (6) the owner, through legal process, involuntarily loses
27 the ownership interest in the boat for which the certificate is is-
28 sued.

29 **Sec. 05.25.440. REPORT OF TRANSFER, ABANDONMENT, OR DESTRUCTION**

1 OF BOAT, OR CHANGE OF ADDRESS OF OWNER. (a) The owner of a boat for
2 which a certificate of number has been issued under this chapter shall
3 notify the department of any of the following events within 15 days
4 after the event occurs:

5 (1) the transfer of all or a part of the ownership interest
6 in the boat;

7 (2) the theft or recovery of the boat;

8 (3) the destruction of the certificate of number; or

9 (4) an event described in AS 05.25.435.

10 (b) Within 15 days after a change of address, the owner of a
11 boat for which a certificate of number has been awarded under this
12 chapter shall report the change to the department.

13 Sec. 05.25.445. EXEMPTIONS. The following classes of boats are
14 exempt from the provisions of AS 05.25.400 - 05.25.440:

15 (1) a boat that is documented by the United States Coast
16 Guard;

17 (2) a foreign boat operated only temporarily in state
18 water;

19 (3) a boat, other than a recreational type public boat,
20 owned and operated by the United States or an entity or political
21 subdivision of the United States, or owned and operated for government
22 purposes by a state or an entity or political subdivision of a state;

23 (4) a ship's lifboat;

24 (5) a boat belonging to a class of boats that has been
25 exempted from the provisions of AS 05.25.400 - 05.25.440 by the de-
26 partment under AS 05.25.910;

27 (6) a boat with a certificate of number issued by the
28 United States Coast Guard, for a period of three years after the date
29 of issuance of the certificate;

1 (7) a boat with a current, valid certificate of number
2 issued by another state having a federally approved numbering system,
3 for a period of 60 days after arriving in the state; and

4 (8) a boat that is not propelled by machinery.

5 **ARTICLE 4. GENERAL PROVISIONS.**

6 **Sec. 05.25.900. ACCOUNTING AND DISPOSITION OF FEES.** The commis-
7 sioner of administration shall separately account for fees collected
8 under this chapter that the department deposits in the general fund.
9 The annual estimated balance in the account may be used by the legis-
10 lature to make appropriations to the department to carry out the
11 purposes of this chapter.

12 **Sec. 05.25.910. EXEMPTIONS.** Except when inconsistent with
13 federal laws and regulations, the commissioner may exempt a class of
14 boats from a provision of this chapter if the commissioner determines
15 that the safety of persons and property will not be materially promot-
16 ed by applying that provision to the class of boats. The commissioner
17 may exempt a class of boats from the numbering and registration re-
18 quirements of AS 05.25.400 - 05.25.440 if

19 (1) the commissioner determines that the numbering will not
20 materially aid in the identification of the boats; and

21 (2) the United States Secretary of Transportation has
22 exempted that class of boats from numbering.

23 **Sec. 05.25.920. ENFORCEMENT.** A peace officer may enforce this
24 chapter and in the exercise of enforcement may stop and board boats
25 that the officer reasonably believes are or may be subject to this
26 chapter. A peace officer may, in the officer's discretion, issue a
27 citation as provided in AS 12.25.180 to a person who violates a pro-
28 vision of this chapter.

29 **Sec. 05.25.930. PENALTIES.** A person who violates a provision of

1 this chapter is guilty of an infraction. The supreme court shall
2 establish by order or rule a schedule of bail amounts for violations
3 of this chapter that allows disposition of a citation issued under
4 this chapter without a court appearance.

5 Sec. 05.25.940. REGULATIONS. The commissioner shall adopt
6 regulations under the Administrative Procedure Act (AS 44.62) that are
7 necessary for the implementation of this chapter.

8 Sec. 05.25.990. DEFINITIONS. In this chapter, unless the con-
9 text requires otherwise,

10 (1) "boat" means any type of watercraft used or capable of
11 being used as a means of transportation on water, but does not include
12 aircraft equipped to land on water;

13 (2) "certificate of number" means the document bearing the
14 identification number awarded to a boat by the department under this
15 chapter, by a federal agency, or by the state of principal use under a
16 federally approved numbering system;

17 (3) "commissioner" means the commissioner of public safety;

18 (4) "dealer" means a person who engages wholly or in part
19 in the business of buying, selling, or exchanging boats, either out-
20 right or on conditional sale, bailment lease, chattel mortgage, or
21 otherwise;

22 (5) "department" means the Department of Public Safety;

23 (6) "length" means the length of a boat measured from end
24 to end over the deck excluding sheer;

25 (7) "operate" means to navigate or otherwise use a boat on
26 water;

27 (8) "owner" means a person who has a property interest
28 other than a security interest in a boat and the right of use or
29 possession of the boat, but does not include a lessee unless the lessee

1 is intended as security;

2 (9) "ownership" means a property interest other than a
3 security interest;

4 (10) "passenger" means a person on board a boat who is not
5 the master, operator, crew member, or other person engaged in a capac-
6 ity in the business of the boat;

7 (11) "state of principal use" means the state on whose water
8 a boat is used or is to be used during most of a calendar year;

9 (12) "state water" means water within the territorial limits
10 of the state whether navigable or nonnavigable.

11 * Sec. 2. AS 05.25.010, 05.25.012, 05.25.020, 05.25.030, 05.25.040,
12 05.25.050, 05.25.060, 05.25.070, 05.25.080, 05.25.090, and 05.25.100 are
13 repealed.

14 * Sec. 3. This Act takes effect January 1, 1990.
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1 IN THE SENATE

BY STURGULEWSKI, DUNCAN
AND UEHLING

2 SENATE BILL NO. 111

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to boating safety, boating acci-
7 dents, and boat numbering; and providing for an
8 effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 05.25 is amended by adding new sections to read:

11 ARTICLE 1. BOATING SAFETY.

12 Sec. 05.25.200. BOATING SAFETY EDUCATION. The department shall
13 offer public education programs designed to reduce boating accidents.
14 The department may cooperate with or award contracts to government
15 agencies and private organizations to provide boating safety education
16 programs.

17 Sec. 05.25.210. SAFETY EQUIPMENT. (a) A boat must carry and
18 exhibit between sunset and sunrise at least one white light to show
19 all around the horizon.

20 (b) A boat must carry at least one readily accessible life
21 preserver, lifebelt, ring buoy, or other device of a type approved by
22 the United States Coast Guard for each person on the boat. A boat
23 carrying passengers for hire shall carry at least one readily accessi-
24 ble life preserver of a type approved by the United States Coast Guard
25 for passenger-carrying boats for each person on the boat.

26 (c) The commissioner may require by regulation that a boat or
27 class of boats carry additional equipment necessary for the safety of
28 persons and property. To the extent determined by the commissioner to
29 be consistent with the safety of persons and property, the regulations

1 adopted under this subsection must conform to the applicable regula-
2 tions of the United States Coast Guard.

3 Sec. 05.25.220. DIVER'S FLAG. (a) A person who is in the water
4 using an underwater breathing device may display a diver's flag while
5 diving operations are in progress. The diver's flag may be displayed
6 on a boat or surface float, must extend at least three feet above the
7 surface of the water, and must be placed at or near the point of
8 submergence. A diver shall remain within 100 feet of the diver's flag
9 while at or near the surface. The diver's flag constitutes a warning
10 that a diver may be within 100 feet of the flag. A diver's flag must
11 be constructed of rigidly supported material at least 12 inches high
12 by 12 inches wide with a white diagonal stripe on a red background.

13 (b) A boat operator within sight of a diver's flag shall proceed
14 with caution, steering clear of the flag by a distance of at least 100
15 feet. If, because of the location of the diver's flag, it is impossi-
16 ble to steer clear of the flag by at least 100 feet, then the boat
17 operator shall proceed at no-wake speed or five miles per hour, which-
18 ever is necessary to maintain steerage in the seaway.

19 (c) A diver's flag under this section may be used with, but not
20 in place of, an International Code flag "A" if required under 33
21 U.S.C. following 1602 (Rule 27, International Regulations for Prevent-
22 ing Collisions at Sea, 1972).

23 Sec. 05.25.230. PROHIBITED OPERATION. (a) A person may not
24 operate a boat or manipulate water skis, a surfboard, or a similar
25 device on state water in a reckless or negligent manner so as to
26 endanger the life or property of another person.

27 (b) A person may not operate or give permission for another
28 person to operate a boat that is not equipped as required under this
29 chapter and regulations adopted under this chapter.

1 Sec. 05.25.290. APPLICATION OF AS 05.25.210 - 05.25.290; REGU-
2 LATIONS. (a) AS 05.25.210 - 05.25.290 apply to boats operated in
3 state water, except when inconsistent with applicable federal law, in
4 which case federal law prevails.

5 (b) The commissioner shall adopt regulations to implement AS 05.-
6 25.210 - 05.25.290. Each regulation must specify those waters of the
7 state to which the regulation applies. A regulation may not apply to
8 water where an inconsistent federal law prevails.

9 ARTICLE 2. BOATING ACCIDENTS.

10 Sec. 05.25.300. DUTIES OF OPERATORS AND WITNESSES AT ACCIDENTS.

11 (a) The operator of a boat that is involved in an accident resulting
12 in injury or death to a person or in damage to property shall immedi-
13 ately stop the boat as near as possible to the scene of the accident.
14 The operator shall remain at the scene of the accident until the
15 operator has fulfilled the requirements of (b) of this section.

16 (b) The operator of a boat that is involved in an accident
17 resulting in injury or death to a person or in damage to property
18 shall

19 (1) give the name and address of each occupant of the boat
20 and identifying number of the boat that the operator is operating to

21 (A) the operator of any other boat involved in the
22 accident;

23 (B) the owner or a surviving occupant of the other
24 boat or the owner of the damaged property; or

25 (C) another appropriate person; and

26 (2) render reasonable assistance to each person injured in
27 the accident, including the conveying or providing for the conveying
28 of the injured person to a physician or hospital for medical treat-
29 ment, if it is apparent that treatment is necessary or if conveyance

1 is requested by an injured person.

2 (c) A witness to a boating accident shall furnish the witness's
3 name and address to an operator or occupant of each boat involved in
4 the accident, to a person injured in the accident, and to the owner of
5 property damaged in the accident.

6 Sec. 05.25.305. NOTICE OF ACCIDENT RESULTING IN DEATH OR DISAP-
7 PEARANCE. (a) When a person dies as a result of an accident that
8 involves a boat or its equipment or a person disappears from a boat,
9 the operator shall, without delay, by the quickest means available,
10 notify the department of the

11 (1) date, time, and exact location of the occurrence;

12 (2) name of each person who died or disappeared;

13 (3) number and name of the operator's boat; and

14 (4) name and address of the owner and the operator.

15 (b) If the operator of a boat cannot give the notice required
16 under (a) of this section, the owner of the boat, if different from
17 the operator, shall submit the report or cause the report to be sub-
18 mitted. If the operator and the owner of the boat cannot give the
19 notice, then each person present on the boat when the accident or
20 disappearance occurred shall notify the department or determine that
21 the notice has been given.

22 Sec. 05.25.310. ACCIDENT REPORT REQUIRED. (a) The operator of
23 a boat involved in an accident, or the owner of the boat if the opera-
24 tor cannot submit a report, shall submit a report of the accident to
25 the department if the accident results in

26 (1) the death of a person;

27 (2) injury to a person requiring medical treatment beyond
28 first aid;

29 (3) the disappearance from the boat of a person under

1 circumstances indicating death or injury;

2 (4) damage to the boat or other property in an aggregate
3 amount of more than \$200; or

4 (5) complete loss of the boat.

5 (b) The department may require a person who submits an insuffi-
6 cient report under this section to file a supplemental report, and may
7 require a witness to the accident to submit a report to the depart-
8 ment.

9 (c) A report required under this section shall be submitted in
10 the form and manner prescribed by the department within

11 (1) 48 hours after the accident if a person dies within 24
12 hours after the accident;

13 (2) 48 hours after the accident if a person is injured and
14 requires medical treatment beyond first aid;

15 (3) 48 hours after the disappearance of a person from a
16 boat if circumstances indicate death or injury to the person; and

17 (4) 10 days after the accident or death if an earlier
18 report is not required under this subsection.

19 (d) The department shall prepare forms for accident reports
20 required under this section and shall provide the forms to the public.
21 The report form must request the information required in casualty and
22 accident reports under United States Coast Guard regulations and may
23 request other information the department considers necessary. The
24 person who completes the form shall sign and date it upon completion.

25 **Sec. 05.25.315. DEATH CERTIFICATES.** Within 60 days after the
26 death occurs, the state registrar of vital statistics shall forward to
27 the department a copy of the death certificate for each death
28 resulting from a boat accident.

29 **Sec. 05.25.320. CONFIDENTIALITY OF ACCIDENT REPORT.** (a) An

1 accident report submitted to the department is without prejudice to
2 the individual reporting and is solely for the confidential use of
3 administrative and enforcement agencies.

4 (b) The department upon written request, shall disclose the
5 following information, if available, to a party involved in an acci-
6 dent, or, in the event of the party's death, to a member of the par-
7 ty's family or to the party's personal representative:

8 (1) the identity of the owner, operator, and occupants of
9 each boat involved in the accident;

10 (2) the identifying number of each boat involved in the
11 accident;

12 (3) the name of each company insuring the owner or operator
13 of each boat involved in the accident; and

14 (4) the identity of each witness to the accident.

15 (c) A report filed under AS 05.25.310 - 05.25.320 may not be
16 used as evidence in a civil action or criminal prosecution arising out
17 of the accident. The department shall furnish, upon demand of a
18 person who has or claims to have made a report under AS 05.25.310 -
19 05.25.320 or upon order of a court, a certificate stating whether a
20 specified accident report has been filed with the department. The
21 certificate is admissible in a civil action or criminal prosecution
22 solely to prove compliance or failure to comply with the reporting
23 requirement.

24 (d) The department shall compile and may analyze all accident
25 reports. The department shall publish at least annually, statistical
26 information relating to boat accidents.

27 (e) In response to a request from an authorized official or
28 agency of the United States, or in compliance with United States Coast
29 Guard regulations or a requirement under 46 U.S.C. 6101 - 6103, the

1 department shall provide information compiled or otherwise available
2 to the department from the accident reports required under AS 05.-
3 25.310 - 05.25.320.

4 Sec. 05.25.325. APPLICATION OF AS 05.25.300 - 05.25.320. (a)
5 The provisions of AS 05.25.300 - 05.25.320 apply to all boats operated
6 in state water, except

- 7 (1) as provided in this section or AS 05.25.910;
8 (2) when inconsistent with an applicable federal law or
9 regulation in which case the federal law or regulation prevails.

10 (b) The provisions of AS 05.25.300 - 05.25.320 do not apply to

11 (1) a boat that has a valid document issued by the United
12 States Coast Guard and that is operated only for nonrecreational
13 purposes;

14 (2) foreign boats operated temporarily in state water only
15 for nonrecreational purposes;

16 (3) a boat owned and operated for government purposes by
17 the United States or by an entity of the United States; or

18 (4) a ship's lifeboat.

19 ARTICLE 3. NUMBERING AND REGISTRATION.

20 Sec. 05.25.400. CERTIFICATE OF NUMBER REQUIRED ON BOAT. (a) A
21 person may not operate a boat on state water, and an owner of a boat
22 may not knowingly allow another person to operate the owner's boat on
23 state water, unless

24 (1) the owner of the boat holds a current, valid certifi-
25 cate of number issued in the owner's name as owner; and

26 (2) the certificate of number is

27 (A) carried on the boat in a manner that protects the
28 certificate from destruction or deterioration; and

29 (B) available for inspection by a state, federal, or

1 municipal law enforcement officer.

2 (b) A certificate of number for a boat less than 26 feet in
3 length and leased or rented to another person for that person's non-
4 commercial operation for a period of less than seven days may be
5 retained on shore by the boat's owner or representative at the place
6 from which the boat departs or returns to the possession of the owner
7 or the owner's representative. If the certificate of number is re-
8 tained on shore, then a copy of the lease or rental agreement shall be
9 carried on the boat. The lease or rental agreement must

10 (1) be signed by the owner of the boat or the owner's
11 representative, and by the person leasing or renting the boat; and

12 (2) specify the period for which the boat is leased or
13 rented.

14 Sec. 05.25.405. PLACEMENT OF IDENTIFYING NUMBER AND DECAL. (a)

15 A person may not operate a boat on state water unless the boat dis-
16 plays the valid identifying number awarded to the boat and the valida-
17 tion decal in the manner required under this section.

18 (b) An identifying number shall be painted on or permanently
19 attached to each side of the forward half of the vessel in a position
20 that is clearly visible for identification. Each number must read
21 from left to right and must be in plain vertical block characters of
22 good proportion not less than three inches in height. The number must
23 be of a color that contrasts with the color of the background and
24 shall be maintained so that it is clearly visible and legible. Each
25 number must have spaces or hyphens that are equal to the width of a
26 letter other than "I" or a number other than "1" between the letter
27 and number groupings.

28 (c) On boats so configured that a number on the hull or super-
29 structure would not be easily visible, the number shall be painted on

1 or attached to a backing plate that is attached to the forward half of
2 the boat so that the number is visible from each side of the boat.

3 (d) A number other than the identifying number may not appear on
4 the forward half of the boat.

5 (e) A validation decal issued under AS 05.25.425 shall be placed
6 three inches to the rear of the identifying number.

7 Sec. 05.25.410. APPLICATION FOR CERTIFICATE OF NUMBER. (a) The
8 owner of a boat that is operated principally on state water, or a
9 dealer who wishes to demonstrate one or more boats on state water,
10 shall apply to the department for a certificate of number. The appli-
11 cation must include

12 (1) the true name of the owner or dealer;

13 (2) the residence or business address of the owner or
14 dealer;

15 (3) a description of the boat, or in the case of a dealer a
16 description of the lengths and types of boats, to be operated under
17 the certificate; and

18 (4) other information required by the department or by
19 United States Coast Guard regulations.

20 (b) The owner or dealer shall sign the application and shall pay
21 the prescribed fee at the time of application.

22 (c) A certificate of number may be issued to a dealer for use on
23 more than one boat.

24 Sec. 05.25.415. APPLICATION BY OWNER HAVING NUMBER AWARDED BY
25 FEDERAL GOVERNMENT OR ANOTHER STATE. The owner of a boat having a
26 valid certificate of number that has been issued under federal law or
27 a federally approved numbering system of another state shall apply to
28 the department for an identifying number within 10 days after the
29 expiration of the applicable reciprocity period provided in

1 AS 05.25.445(6) or (7).

2 Sec. 05.25.420. CERTIFICATE OF NUMBER FEES. (a) The commis-
3 sioner shall adopt regulations establishing fees for original, renew-
4 al, and duplicate certificates of number, and for dealer demonstration
5 certificates of number.

6 (b) The fee for a certificate of number shall be prorated ac-
7 cording to the number of months the certificate will be in effect.

8 (c) The fees in this section are in addition to any other tax or
9 license fee for a boat.

10 Sec. 05.25.425. ISSUANCE OF CERTIFICATE OF NUMBER AND VALIDATION
11 DECALS. (a) If the application is in order, the department shall
12 issue to the owner a certificate of number that states the identifying
13 number awarded to the boat, the name and address of the owner, the
14 state of principal use, the normal use of the boat, the description of
15 the boat, the manufacturer's hull identification number if one exists,
16 make, year, length, type of hull material, type of propulsion and type
17 of fuel, the issue date, and the expiration date of the certificate of
18 number. The certificate of number must be wallet size.

19 (b) The department shall issue a set of validation decals bear-
20 ing the year in which the certificate of number expires. The year
21 shall also be indicated by the color blue, international orange,
22 green, or red, in rotation in the order stated, beginning with blue
23 for stickers that expire in 1993. A validation decal must be a square
24 approximately three inches on each side.

25 Sec. 05.25.430. EXPIRATION OF CERTIFICATE OF NUMBER; RENEWAL OF
26 CERTIFICATE AND DECALS. (a) A certificate of number expires three
27 years after the last day of the month in which the certificate is
28 issued.

29 (b) The department may require the surrender of the expired

1 certificate of number before issuing a new certificate of number.

2 (c) Renewal of the certificate of number does not change the
3 identifying number awarded to a boat by the department.

4 (d) An application for renewal of a certificate of number shall
5 be made in the same manner as provided in AS 05.25.410. The applica-
6 tion shall be accompanied by the fee required under AS 05.25.420. The
7 department shall renew certificates of number and issue validation
8 decals in the same manner as provided in AS 05.25.425.

9 Sec. 05.25.435. VALIDITY OF CERTIFICATE OF NUMBER. A certifi-
10 cate of number issued under this chapter is invalid if

11 (1) the boat is subsequently documented or required to be
12 documented;

13 (2) the boat is sold, destroyed, or abandoned;

14 (3) the applicant supplies false information in the appli-
15 cation for the certificate;

16 (4) the fees for issuance or renewal of the certificate are
17 not paid;

18 (5) 60 days have elapsed since the boat ceased to be used
19 principally in the state; or

20 (6) the owner, through legal process, involuntarily loses
21 the ownership interest in the boat for which the certificate is is-
22 sued.

23 Sec. 05.25.440. REPORT OF TRANSFER, ABANDONMENT, OR DESTRUCTION
24 OF BOAT, OR CHANGE OF ADDRESS OF OWNER. (a) The owner of a boat for
25 which a certificate of number has been issued under this chapter shall
26 notify the department of any of the following events within 15 days
27 after the event occurs:

28 (1) the transfer of all or a part of the ownership interest
29 in the boat;

- 1 (2) the theft or recovery of the boat;
- 2 (3) the destruction of the certificate of number; or
- 3 (4) an event described in AS 05.25.435.

4 (b) Within 15 days after a change of address, the owner of a
5 boat for which a certificate of number has been awarded under this
6 chapter shall report the change to the department.

7 Sec. 05.25.445. EXEMPTIONS. The following classes of boats are
8 exempt from the provisions of AS 05.25.400 - 05.25.440:

9 (1) a boat that is documented by the United States Coast
10 Guard;

11 (2) a foreign boat operated only temporarily in state
12 water;

13 (3) a boat, other than a recreational type public boat,
14 owned and operated by the United States or an entity or political
15 subdivision of the United States, or owned and operated for government
16 purposes by a state or an entity or political subdivision of a state;

17 (4) a ship's lifeboat;

18 (5) a boat belonging to a class of boats that has been
19 exempted from the provisions of AS 05.25.400 - 05.25.440 by the de-
20 partment under AS 05.25.910;

21 (6) a boat with a certificate of number issued by the
22 United States Coast Guard, for a period of three years after the date
23 of issuance of the certificate;

24 (7) a boat with a current, valid certificate of number
25 issued by another state having a federally approved numbering system,
26 for a period of 60 days after arriving in the state; and

27 (8) a boat that is not propelled by machinery.

28 **ARTICLE 4. GENERAL PROVISIONS.**

29 **Sec. 05.25.900. ACCOUNTING AND DISPOSITION OF FEES.** The

1 commissioner of administration shall separately account for fees col-
2 lected under this chapter that the department deposits in the general
3 fund. The annual estimated balance in the account may be used by the
4 legislature to make appropriations to the department to carry out the
5 purposes of this chapter.

6 Sec. 05.25.910. EXEMPTIONS. Except when inconsistent with
7 federal laws and regulations, the commissioner may exempt a class of
8 boats from a provision of this chapter if the commissioner determines
9 that the safety of persons and property will not be materially promot-
10 ed by applying that provision to the class of boats. The commissioner
11 may exempt a class of boats from the numbering and registration re-
12 quirements of AS 05.25.400 - 05.25.440 if

13 (1) the commissioner determines that the numbering will not
14 materially aid in the identification of the boats; and

15 (2) the United States Secretary of Transportation has
16 exempted that class of boats from numbering.

17 Sec. 05.25.920. ENFORCEMENT. A peace officer may enforce this
18 chapter and in the exercise of enforcement may stop and board boats
19 that the officer reasonably believes are or may be subject to this
20 chapter.

21 Sec. 05.25.930. PENALTIES. A person who violates a provision of
22 this chapter is guilty of a misdemeanor and is punishable by a fine of
23 not more than \$500, or by imprisonment of not more than six months, or
24 by both.

25 Sec. 05.25.940. REGULATIONS. The commissioner shall adopt
26 regulations under the Administrative Procedure Act (AS 44.62) that are
27 necessary for the implementation of this chapter.

28 Sec. 05.25.990. DEFINITIONS. In this chapter, unless the con-
29 text requires otherwise,

1 (1) "boat" means any type of watercraft used or capable of
2 being used as a means of transportation on water, but does not include
3 aircraft equipped to land on water;

4 (2) "certificate of number" means the document bearing the
5 identification number awarded to a boat by the department under this
6 chapter, by a federal agency, or by the state of principal use under a
7 federally approved numbering system;

8 (3) "commissioner" means the commissioner of public safety;

9 (4) "dealer" means a person who engages wholly or in part
10 in the business of buying, selling, or exchanging boats, either out-
11 right or on conditional sale, bailment lease, chattel mortgage, or
12 otherwise;

13 (5) "department" means the Department of Public Safety;

14 (6) "length" means the length of a boat measured from end
15 to end over the deck excluding sheers;

16 (7) "operate" means to navigate or otherwise use a boat on
17 water;

18 (8) "owner" means a person who has a property interest
19 other than a security interest in a boat and the right of use or
20 possession of the boat, but does not include a lessee unless the lease
21 is intended as security;

22 (9) "ownership" means a property interest other than a
23 security interest;

24 (10) "passenger" means a person on board a boat who is not
25 the master, operator, crew member, or other person engaged in a capac-
26 ity in the business of the boat;

27 (11) "state of principal use" means the state on whose water
28 a boat is used or is to be used during most of a calendar year;

29 (12) "state water" means water within the territorial limits

1 of the state whether navigable or nonnavigable.

2 * Sec. 2. AS 05.25.010, 05.25.012, 05.25.020, 05.25.030, 05.25.040,
3 05.25.050, 05.25.060, 05.25.070, 05.25.080, 05.25.090, and 05.25.100 are
4 repealed.

5 * Sec. 3. This Act takes effect January 1, 1990.
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FISCAL NOTE

REQUEST

Revision Date: 3/21/89 Agency Affected: Public Safety
 Title: "An Act relating to boating safety..." BRU: Fish and Wildlife Protection
 Sponsor: Senator Sturgulewski Components: Boating & Water Safety
 Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | 169.8 | 376.6 | 376.6 | 376.6 | 376.6 |
| TRAVEL | | 13.0 | 29.5 | 29.5 | 29.5 | 29.5 |
| CONTRACTUAL | | 75.0 | 171.5 | 171.5 | 171.5 | 171.5 |
| SUPPLIES | | 22.9 | 54.0 | 54.0 | 54.0 | 54.0 |
| EQUIPMENT | | 168.2 | 51.0 | 17.5 | 17.5 | 17.5 |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | 448.9 | 682.6 | 649.1 | 649.1 | 649.1 |
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
| REVENUE | -0- | 249.0 | 498.0 | 530.0 | 530.0 | 530.0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|-----|-------|-------|-------|-------|-------|
| GENERAL FUNDS | | 248.9 | 432.6 | 399.1 | 399.1 | 399.1 |
| FEDERAL FUNDS | | 200.0 | 250.0 | 250.0 | 250.0 | 250.0 |
| OTHER | | | | | | |
| TOTAL | -0- | 448.9 | 682.6 | 649.1 | 649.1 | 649.1 |

POSITIONS:

| | | | | | | |
|-----------|-----|----|----|----|----|----|
| FULL-TIME | -0- | 4 | 4 | 4 | 4 | 4 |
| PART-TIME | -0- | 10 | 12 | 12 | 12 | 12 |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill would establish boating safety, boating accident, and boat numbering requirements for the state. The responsibility for implementing and enforcing this law would be with the Department of Public Safety's Division of Fish and Wildlife Protection. The administrative headquarters for this new "Boating Safety Section" would be in Anchorage.
(continued on page 2)

Prepared by: Gretchen Pence, Special Assistant Phone: 465-4322
 Division: Commissioner's Office Date: 3/21/89
 Approved by Commissioner: G.A. Hostetler Date: 3-22-89
 Agency: Public Safety

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 111 (SA)

In order to implement this bill, the Department would hire a total of 16 new employees (4 full-time and 12 part-time). These positions are: Education Specialist I, Publication Specialist I, Clerk Typist II, 2 Data Processing Clerks, Accounting Clerk, and 10 Compliance Officers (seasonal safety and enforcement officers; 8 of the Compliance Offices will be hired the first year, and an additional 2 [Soldotna] the second year).

The equipment costs for vessel purchases are one-time costs; these costs are spaced over two years because the Compliance Officers will be hired over two years. Equipment start-up costs also include vehicles and radios.

Office space for the "Boating Safety Section" will come from current facilities; utilities, communications, travel, commodities, and office equipment needs are estimated for each position.

The boating safety and boat numbering program will be self-supporting; the revenues received from vessel registration will be greater than the general fund appropriation. In fact, beginning the second year of the program, it will generate approximately \$65.0 in additional revenues, and up to \$130.0 in future years.

All costs in this fiscal note assume a start-up date of January 1, 1990.

I. Restricted

Anticipate \$200.0 in federal funds for the first year, and approximately \$250.0 for subsequent years. Federal grant award monies can fund no more than 50 percent of the total appropriation. The above stated numbers are the maximum anticipated to be available.

II. Unrestricted Revenues (see chart pg. 3)

Vessel Registrations

CONTINUATION OF FISCAL NOTE ANALYSIS
For Bill/Resolution No. CSSB 111 (SA)

Revenue estimates:

| II. <u>Unrestricted</u> | Registered Boats 30,000 | Boats Currently Not Registered Carried Through the Triennial Cycle | | | | | Fines Aprox. \$32.0 Year | TOTAL REVENUE |
|--|----------------------------|---|---------------------------|---------------------------|---------------------------|---------------------------|-----------------------------------|------------------|
| | | 6,600 1st Yr \$30 X | 6,600 2nd Yr \$30 X | 6,600 3rd Yr \$30 X | 6,600 4th Yr \$30 X | 6,600 5th Yr \$30 X | | |
| Number of Boats to Register By Year | \$30 X | | | | | | | |
| 1st Year (90) 10000+6600 | \$300.0 | \$198.0 | - - - | - - - | - - - | - - - | \$ | \$498.0 |
| 2nd Year (91) 10000+6600 | 300.0 | - - - | \$198.0 | - - - | - - - | - - - | | 498.0 |
| 3rd Year (92) 10000+6600 | 300.0 | - - - | - - - | \$198.0 | - - - | - - - | 32.0 | 530.0 |
| 4th Year (93) 10000+6600 | 300.0 | - - - | - - - | - - - | \$198.0 | - - - | 32.0 | 530.0 |
| 5th Year (94) 10000+6600 | 300.0 | - - - | - - - | - - - | - - - | \$198.0 | 32.0 | 530.0 |

Notes:

1. Boat registration fee is \$10.00 per year; registrations are issued for three years, therefore, \$30.00 triennial fee.
2. According to our estimates, by the fourth year there will be approximately 50,000 boats registered.
3. Of the 30,000 boats already registered, we estimate 33 1/3% (or 10,000 boats) will register during the 1st year, 10,000 in the 2nd year, and the remainder (10,000) in the 3rd year.
4. Register 6,600 boats currently not registered during each year for three years (Coast Guard estimates 20,000 boats not registered). Anticipate three-year period before majority of citizens would be in compliance.
5. Estimate \$32.0 in fines levied per year, beginning in 1992.
6. During the first year of the program, the State will be registering vessels for only six months; therefore, only approximately 1/2 of the anticipated revenues will be available.

SUMMARY OF PERSONNEL

Education Specialist I (PFT)

The Education Specialist would be responsible for designing the State's boating safety program in coordination with Federal, State, and local authorities, as well as with private organizations.

This position will train, or be responsible for training, departmental employees on how to conduct boating safety education training. This individual will be the unit supervisor.

Publication Specialist I (PPT)

The part-time Publication Specialist will be responsible for re-designing all forms (from Federal to State) for the boating safety program, reviewing all available boating safety printed materials and adapting selected materials to be specific for Alaska, as well as producing boating safety public service announcements and video spots.

Clerk Typist II (PFT)

This position will provide clerical support needed through the typing and filing of correspondence, training materials and related documents. Will also be responsible for distributing the boating safety correspondence training materials.

Data Processing Clerk II (2 PFT)

These positions will be responsible for processing vessel registrations as well as accepting and processing all data concerning boating and watercraft material, i.e. accident data and statistics. These positions will also be responsible for maintenance of data.

Accounting Clerk III (PPT)

This part-time position will perform all accounting duties for the boating safety unit. Duties will include: accounting for and depositing all vessel registration fees, vendor payments, research and communications, document filing, record keeping and reports required for adequate administrative controls.

SUMMARY OF PERSONNEL Continued

Compliance Officers

(10 PPT, Seasonal)

These 10 seasonal Compliance Officers will work in teams of two (for safety reasons), and will be assigned to Juneau, Palmer, Homer, Fairbanks, and Soldotna (the team in Soldotna will start in FY 91). The five Compliance Teams will provide roving patrols and will be responsible for the seasonal enforcement of the statutes modified by SB 111. They will verify compliance with registration requirements; participate in safety and educational programs; followup on boating accident reports, investigate accidents as necessary; inspect boats for required safety equipment and navigation lights; verify compliance with ski observer requirements; patrol marine events; investigate reports of reckless or negligent vessel operation; and cite suspected violators.

They will also offer training classes in areas where classes are not currently offered by the Coast Guard Auxiliary or another organization.

| | | | | |
|---|----------------------|-----------------------|-------------------|------------------------|
| Position Title Education Specialist I | | No. of Positions 1 | Range/Step 19A | Barg. Unit GCU |
| Time Status PFT | Staff Months 12.0 | Location Anchorage | | Election District 7 |
| Justification | | | | |
| Type of Expenditure | | Amount | | |
| 1 | 2 | 3 | | |
| Salary* | 40.0 | //////////////////// | | |
| Benefits* | 16.2 | //////////////////// | | |
| Premium Pay (Included in above) | //////////////////// | //////////////////// | | |
| Other | //////////////////// | //////////////////// | | |
| Total Personal Services | //////////////////// | 56.2 | | |
| Travel | | 9.0 | | |
| Contractual | | 60.0 | | |
| Commodities | | 3.0 | | |
| Equipment | | 1.0 | | |
| Other | | | | |
| Total Cost | | 129.2 | | |
| Funding Source for Total Cost | | | | |
| Federal Receipts | 1002 | 62.9 | | |
| G.F. Match | 1003 | | | |
| General Fund | 1004 | 66.3 | | |
| *F Program Receipts | 1005 | | | |
| Other | | | | |
| *Personal Services Salary and Benefits Costs are from PACS. | | | | |
| //////////////////// | | | | |
| //////////////////// | | | | |
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The Education Specialist would be responsible for designing a boating safety program in coordination with Federal, State, and local authorities, as well as with private organizations. Further, this position will manage all aspects of contracting with other agencies for performance of registration, record keeping, and education; will provide oversight of activity, reporting of statistics, federal responsibility of the new section.

This position will train, or be responsible for training, departmental employees on how to conduct boating safety education training. This individual will be the unit supervisor.

Contractual monies included with this position are for contracting with private groups to provide boating safety education programs in some areas of the state. \$26.0 is budgeted for FY90.

REQUEST FOR
NEW POSITION

Agency Public Safety
BRU Fish and Wildlife Protection
Component Boating and Watercraft Safety

Page 6 of 15
Revised Date

FY 91

| | | | | |
|---|--------------------------------------|--------------------------------------|-------------------|------------------------|
| Position Title Publication Specialist I | | No. of Positions 1 | Range/Step 13A | Barg. Unit GGU |
| Time Status PPT | Staff Months 6.0 | Location Anchorage | | Election District 7 |
| Justification | | | | |
| Type of Expenditure | | Amount | | |
| 1 | 2 | 3 | | |
| Salary* | 13.2 | //////////////////////////////////// | | |
| Benefits* | 4.9 | //////////////////////////////////// | | |
| Premium Pay (Included in above) | //////////////////////////////////// | //////////////////////////////////// | | |
| Other | //////////////////////////////////// | //////////////////////////////////// | | |
| Total Personal Services | //////////////////////////////////// | 18.1 | | |
| Travel | | | | |
| Contractual | | 31.0 | | |
| Commodities | | 3.0 | | |
| Equipment | | 1.0 | | |
| Other | | | | |
| Total Cost | | 53.1 | | |
| //////////////////////////////////// | | | | |
| Funding Source for Total Cost | | | | |
| Federal Receipts | 1002 | 25.5 | | |
| G.F. Match | 1003 | | | |
| General Fund | 1004 | 27.6 | | |
| GF Program Receipts | 1005 | | | |
| Other | | | | |
| *Personal Services Salary and Benefits Costs are from PACS. | | | | |
| //////////////////////////////////// | | | | |
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This position would be responsible for assisting in designing a boating safety printed program in coordination with Federal, State and local authorities, as well as with private organizations. Contractual costs include funds needed for video and printed material for the boating safety program. Additional minimal support costs are included.

REQUEST FOR
NEW POSITION

Agency Public Safety
BRU Fish and Wildlife Protection
Component Boating and Watercraft Safety

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| | | | | | |
|---|--------------------------------------|--------------------------------------|-----------------------|--|------------------------|
| Position Title Clerk Typist II | | | No. of Positions 1 | Range/Step 7A | Barg. Unit GGU |
| Time Status PFT | Staff Months 12.0 months | | Location Anchorage | | Election District 7 |
| //////////////////////////////////// | | | Justification | | |
| Type of Expenditure | | Amount | | <p>This position will provide clerical support needed through the typing and filing of correspondence, training materials and related documents.</p> <p>Additional minimal support costs are included.</p> | |
| 1 | 2 | 3 | | | |
| Salary* | 18.5 | //////////////////////////////////// | | | |
| Benefits* | 10.0 | //////////////////////////////////// | | | |
| Premium Pay (Included in above) | //////////////////////////////////// | //////////////////////////////////// | | | |
| Other | //////////////////////////////////// | //////////////////////////////////// | | | |
| Total Personal Services | //////////////////////////////////// | 28.5 | | | |
| Travel | | | | | |
| Contractual | | 6.0 | | | |
| Commodities | | 2.5 | | | |
| Equipment | | 2.0 | | | |
| Other | | | | | |
| Total Cost | | 39.0 | | | |
| //////////////////////////////////// | | | | | |
| Funding Source for Total Cost | | | | | |
| Federal Receipts | 1002 | 18.0 | | | |
| G.F. Match | 1003 | | | | |
| General Fund | 1004 | 21.0 | | | |
| GF Program Receipts | 1005 | | | | |
| CIP Receipts | 1061 | | | | |
| Other | | | | | |
| *Personal Services Salary and Benefits Costs are from PACS. | | | | | |
| //////////////////////////////////// | | | | | |
| //////////////////////////////////// | | | | | |
| //////////////////////////////////// | | | | | |
| //////////////////////////////////// | | | | | |
| //////////////////////////////////// | | | | | |

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|---|--------------------------------------|--------------------------------------|------------------|------------------------|
| Position Title Data Processing Clerk II | | No. of Positions 2 | Range/Step 9A | Barg. Unit GGU |
| Time Status PFT | Staff Months 12.0 | Location Anchorage | | Election District 7 |
| Justification | | | | |
| Type of Expenditure | | Amount | | |
| 1 | 2 | 3 | | |
| Salary* | 41.5 | //////////////////////////////////// | | |
| Benefits* | 22.3 | //////////////////////////////////// | | |
| Premium Pay (Included in above) | //////////////////////////////////// | //////////////////////////////////// | | |
| Other | //////////////////////////////////// | //////////////////////////////////// | | |
| Total Personal Services | //////////////////////////////////// | 63.8 | | |
| Travel | | | | |
| Contractual | | 6.0 | | |
| Commodities | | 2.0 | | |
| Equipment | | | | |
| Other | | | | |
| Total Cost | | 71.8 | | |
| //////////////////////////////////// | | | | |
| Funding Source for Total Cost | | | | |
| Federal Receipts | 1002 | 34.9 | | |
| G.F. Match | 1003 | | | |
| General Fund | 1004 | 36.9 | | |
| GF Program Receipts | 1005 | | | |
| Other | | | | |
| *Personal Services Salary and Benefits Costs are from PACS. //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// | | | | |

These positions will be responsible for the accepting and processing of data on boating and watercraft material, i.e. registration and accident data. These positions will also be responsible for maintenance of data.

Additional minimal support costs are included.

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|---|--------------------------------------|--------------------------------------|-----------------------|--|------------------------|
| Position Title Accounting Clerk III | | | No. of Positions 1 | Range/Step 9A | Barg. Unit CCU |
| Time Status PPT | Staff Months 6.0 | | Location Anchorage | | Election District 7 |
| //////////////////////////////////// | | | Justification | | |
| Type of Expenditure | | Amount | | <p>This part-time position will perform all accounting duties for the boating safety unit. Duties will include vendor payments, research and communications, document filing, petty cash, reconciliation of statements, travel payments, record keeping and reports required for adequate administrative controls.</p> <p>Additional minimal support costs are included.</p> | |
| 1 | 2 | 3 | | | |
| Salary* | 10.4 | //////////////////////////////////// | | | |
| Benefits* | 5.5 | //////////////////////////////////// | | | |
| Premium Pay (Included in above) | //////////////////////////////////// | //////////////////////////////////// | | | |
| Other | //////////////////////////////////// | //////////////////////////////////// | | | |
| Total Personal Services | //////////////////////////////////// | 15.9 | | | |
| Travel | | | | | |
| Contractual | | 1.0 | | | |
| Commodities | | 2.0 | | | |
| Equipment | | 1.0 | | | |
| Other | | | | | |
| Total Cost | | 19.9 | | | |
| //////////////////////////////////// | | | | | |
| Funding Source for Total Cost | | | | | |
| Federal Receipts | 1002 | 9.9 | | | |
| G.F. Match | 1003 | | | | |
| General Fund | 1004 | 10.0 | | | |
| GF Program Receipts | 1005 | | | | |
| Other | | | | | |
| *Personal Services Salary and Benefits Costs are from PACS. | | | | | |
| //////////////////////////////////// | | | | | |
| //////////////////////////////////// | | | | | |
| //////////////////////////////////// | | | | | |
| //////////////////////////////////// | | | | | |
| //////////////////////////////////// | | | | | |

REQUEST FOR
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 BR'I Fish and Wildlife Protection
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| | | | | | |
|---|--------------------------------------|--------------------------------------|-----------------------|--|-------------------|
| Position Title Compliance Officers | | | No. of Positions 2 | Range/Step 12A | Barg. Unit GCU |
| Time Status S | Staff Months 6.0 months | | Location Juneau | Election District 4 | |
| //////////////////////////////////// | | | Justification | | |
| Type of Expenditure | | Amount | | <p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. These positions will verify compliance with registration requirements; participate in safety and educational programs; followup on boating accident reports, investigating accidents as necessary; inspect boats for required safety equipment and navigation lights; verify compliance with ski observer requirements; patrol marine events; investigate reports of reckless or negligent vessel operation; and, cite suspected violators.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 20' Boston Whaler type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 90 expenses).</p> | |
| 1 | 2 | 3 | | | |
| Salary* | 27.2 | //////////////////////////////////// | | | |
| Benefits* | 12.7 | //////////////////////////////////// | | | |
| Premium Pay (Included in above) | 2.3 | //////////////////////////////////// | | | |
| Other | //////////////////////////////////// | //////////////////////////////////// | | | |
| Total Personal Services | //////////////////////////////////// | 39.9 | | | |
| Travel | | 5.0 | | | |
| Contractual | | 13.5 | | | |
| Commodities | | 8.3 | | | |
| Equipment | | 45.2 | | | |
| Other | | | | | |
| Total Cost | | 111.9 | | | |
| //////////////////////////////////// | | | | | |
| Funding Source for Total Cost | | | | | |
| Federal Receipts | 1002 | 54.3 | | | |
| G.F. Match | 1003 | | | | |
| General Fund | 1004 | 57.6 | | | |
| GF Program Receipts | 1005 | | | | |
| Other | | | | | |
| *Personal Services Salary and Benefits Costs are from PACS. //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// | | | | | |

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|---|--------------------------------------|--------------------------------------|-----------------------|--|-------------------|
| Position Title Compliance Officers | | | No. of Positions 2 | Range/Step 12A | Barg. Unit GCU |
| Time Status S | Staff Months 6.0 months | | Location Palmer | Election District 16 | |
| //////////////////////////////////// | | | Justification | | |
| Type of Expenditure | | Amount | | <p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. These positions will verify compliance with registration requirements; participate in safety and educational programs; followup on boating accident reports, investigating accidents as necessary; inspect boats for required safety equipment and navigation lights; verify compliance with ski observer requirements; patrol marine events; investigate reports of reckless or negligent vessel operation; and, cite suspected violators.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of an 18' River type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 90 expense).</p> | |
| 1 | 2 | 3 | | | |
| Salary* | 25.6 | //////////////////////////////////// | | | |
| Benefits* | 10.3 | //////////////////////////////////// | | | |
| Premium Pay (Included in above) | 2.4 | //////////////////////////////////// | | | |
| Other | //////////////////////////////////// | //////////////////////////////////// | | | |
| Total Personal Services | //////////////////////////////////// | 35.9 | | | |
| Travel | | 3.5 | | | |
| Contractual | | 13.5 | | | |
| Commodities | | 8.3 | | | |
| Equipment | | 33.5 | | | |
| Other | | | | | |
| Total Cost | | 94.7 | | | |
| //////////////////////////////////// | | | | | |
| Funding Source for Total Cost | | | | | |
| Federal Receipts | 1002 | 46.2 | | | |
| G.F. Match | 1003 | | | | |
| General Fund | 1004 | 48.5 | | | |
| GF Program Receipts | 1005 | | | | |
| Other | | | | | |
| *Personal Services Salary and Benefits Costs are from PACS. //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// | | | | | |

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| | | | | | |
|---|--------------------------------------|--------------------------------------|-----------------------|--|-------------------|
| Position Title Compliance Officers | | | No. of Positions 2 | Range/Step 12A | Barg. Unit GCU |
| Time Status S | Staff Months 6.0 months | | Location Homer | Election District 5 | |
| //////////////////////////////////// | | | Justification | | |
| Type of Expenditure | | Amount | | <p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. These positions will verify compliance with registration requirements; participate in safety and educational programs; followup on boating accident reports, investigating accidents as necessary; inspect boats for required safety equipment and navigation lights; verify compliance with ski observer requirements; patrol marine events; investigate reports of reckless or negligent vessel operation; and, cite suspected violators.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 22' Boston Whaler type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 90 expenses).</p> | |
| 1 | 2 | 3 | | | |
| Salary* | 28.9 | //////////////////////////////////// | | | |
| Benefits* | 13.2 | //////////////////////////////////// | | | |
| Premium Pay (Included in above) | 2.4 | //////////////////////////////////// | | | |
| Other | //////////////////////////////////// | //////////////////////////////////// | | | |
| Total Personal Services | //////////////////////////////////// | 42.1 | | | |
| Travel | | 5.0 | | | |
| Contractual | | 13.5 | | | |
| Commodities | | 8.3 | | | |
| Equipment | | 51.0 | | | |
| Other | | | | | |
| Total Cost | | 119.9 | | | |
| //////////////////////////////////// | | | | | |
| Funding Source for Total Cost | | | | | |
| Federal Receipts | 1002 | 55.2 | | | |
| G.F. Match | 1003 | | | | |
| General Fund | 1004 | 64.7 | | | |
| GF Program Receipts | 1005 | | | | |
| Other | | | | | |
| *Personal Services Salary and Benefits Costs are from PACS. //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// | | | | | |

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|---|--------------------------------------|--------------------------------------|-----------------------|---|------------------------|--|
| Position Title Compliance Officers | | | No. of Positions 2 | Range/Step 12A | Barg. Unit CGU | |
| Time Status S | Staff Months 6.0 months | | Location Soldotna | | Election District 5 | |
| //////////////////////////////////// | | | Justification | | | |
| Type of Expenditure | | Amount | | <p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. These positions will verify compliance with registration requirements; participate in safety and educational programs; followup on boating accident reports, investigating accidents as necessary; inspect boats for required safety equipment and navigation lights; verify compliance with ski observer requirements; patrol marine events; investigate reports of reckless or negligent vessel operation; and, cite suspected violators.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCf pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of an 18' River type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 91 expenses).</p> | | |
| 1 | 2 | 3 | | | | |
| Salary* | 26.5 | //////////////////////////////////// | | | | |
| Benefits* | 10.5 | //////////////////////////////////// | | | | |
| Premium Pay (Included in above) | 2.5 | //////////////////////////////////// | | | | |
| Other | //////////////////////////////////// | //////////////////////////////////// | | | | |
| Total Personal Services | | //////////////////////////////////// | 37.0 | | | |
| Travel | | | 3.5 | | | |
| Contractual | | | 13.5 | | | |
| Commodities | | | 8.3 | | | |
| Equipment | | | 33.5 | | | |
| Other | | | | | | |
| Total Cost | | | 95.8 | | | |
| //////////////////////////////////// | | | | | | |
| Funding Source for Total Cost | | | | | | |
| Federal Receipts | 1002 | | 45.8 | | | |
| G.F. Match | 1003 | | | | | |
| General Fund | 1004 | | 50.0 | | | |
| GF Program Receipts | 1005 | | | | | |
| Other | | | | | | |
| *Personal Services Salary and Benefits Costs are from PACS. | | | | | | |
| //////////////////////////////////// | | | | | | |
| //////////////////////////////////// | | | | | | |
| //////////////////////////////////// | | | | | | |
| //////////////////////////////////// | | | | | | |
| //////////////////////////////////// | | | | | | |

REQUEST FOR
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FISCAL NOTE

REQUEST

Revision Date: _____ Agency Affected: Public Safety
 Title: "An Act relating to boating safety..." BRU: Fish and Wildlife Protection
 Sponsor: Senator Sturqulewski Components: Boating & Water Safety
 Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | 188.3 | 462.0 | 462.0 | 462.0 | 462.0 |
| TRAVEL | | 17.0 | 42.0 | 42.0 | 42.0 | 42.0 |
| CONTRACTUAL | | 89.5 | 209.0 | 209.0 | 209.0 | 209.0 |
| SUPPLIES | | 31.3 | 82.5 | 82.5 | 82.5 | 82.5 |
| EQUIPMENT | | 201.7 | 109.9 | 17.5 | 17.5 | 17.5 |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | 527.8 | 905.4 | 813.0 | 813.0 | 813.0 |
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
| REVENUE | -0- | 249.0 | 498.0 | 530.0 | 530.0 | 530.0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|-----|-------|-------|-------|-------|-------|
| GENERAL FUNDS | | 277.8 | 595.4 | 503.0 | 503.0 | 503.0 |
| FEDERAL FUNDS | | 250.0 | 310.0 | 310.0 | 310.0 | 310.0 |
| OTHER | | | | | | |
| TOTAL | -0- | 527.8 | 905.4 | 813.0 | 813.0 | 813.0 |

POSITIONS:

| | | | | | | |
|-----------|-----|----|----|----|----|----|
| FULL-TIME | -0- | 4 | 4 | 4 | 4 | 4 |
| PART-TIME | -0- | 12 | 16 | 16 | 16 | 16 |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill would establish boating safety, boating accident, and boat numbering requirements for the state. The responsibility for implementing and enforcing this law would be with the Department of Public Safety's Division of Fish and Wildlife Protection. The administrative headquarters for this new "Boating Safety Section" would be in Anchorage.
(continued on page 2)

JMC
2/28/89 Prepared by: Gretchen Pence, Special Assistant Phone: 465-4322
 Division: Commissioner's Office Date: 2/21/89
 Approved by Commissioner: [Signature] Date: 2-27-89
 Agency: Public Safety

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 111

In order to implement this bill, the Department would hire a total of 20 new employees (4 full-time and 16 part-time). These positions are: Education Specialist I, Publication Specialist I, Clerk Typist II, 2 Data Processing Clerks, Accounting Clerk, and 14 Compliance Officers (seasonal safety and enforcement officers). Ten Compliance Officers will be hired the first year, and an additional four the second year of the program.

The equipment costs for vessel purchases are one-time costs; these costs are spaced over two years because the Compliance Officers will be hired over two years. Equipment start-up costs also include vehicles and radios.

Office space for the "Boating Safety Section" will come from current facilities; utilities, communications, travel, commodities, and office equipment needs are estimated for each position.

Beginning in FY 92, after the initial start-up costs of purchasing equipment are covered, the boating safety and boat numbering program will be self-supporting; the revenues received from vessel registration will be greater than the general fund appropriation.

All costs in this fiscal note assume a start-up date of January 1, 1990.

I. Restricted

Anticipate \$250.0 in federal funds for the first year, and approximately \$310.0 for subsequent years. Federal grant award monies can fund no more than 50 percent of the total appropriation, with a maximum of the above stated numbers.

II. Unrestricted Revenues (see chart pg. 3)

Vessel Registrations

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 4, 1989

SUBJECT: Sectional Summary of SB 111; An Act relating to boating safety, boating accidents, and boat numbering; and providing for an effective date

TO: Senator Arliss Sturgulewski

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum is the sectional summary of SB 111 requested by Frank Homan of your staff.

A sectional summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill provides for reporting of boating accidents and for enforcement of boating safety standards and boat numbering requirements by the Department of Public Safety.

ARTICLE 1. BOATING SAFETY.

Sec. 05.25.200 requires the Department of Public Safety to offer educational programs to reduce boating accidents.

Sec. 05.25.210 sets out the safety equipment that a boat must carry.

A boat must carry and exhibit a white light that is visible all around the horizon.

A boat must carry one flotation device for each person on the boat. The flotation device must be of a type approved by the Coast Guard for the class of vessel.

The commissioner of public safety may require a boat or class of boats to carry additional safety equipment.

Sec. 05.25.220 sets out the requirements for boats operating in the vicinity of divers.

A diver may display a diver's flag while in the water. The diver must remain within 100 feet of the flag while at or near the surface. The minimum size and design of the flag are set out.

A boat operator must proceed with caution in the vicinity of a diver's flag.

A diver's flag may be used with, but not in place of, any flag required by the Coast Guard.

Sec. 05.25.230 prohibits a person to operate a boat, water skis, surfboard, or other similar device in a negligent manner, or to operate a boat that is not equipped as required by this chapter.

Sec. 05.25.290 provides that AS 05.25.210 - 05.25.290 are applicable to all water in the state to the extent that the federal government does not have a conflicting regulation. Federal regulations prevail over state law where there is a conflict.

The commissioner of public safety shall adopt regulations to implement AS 05.25.210 - 05.25.290. These regulations shall specify those waters of the state to which each regulation applies.

ARTICLE 2. BOATING ACCIDENTS.

Sec. 05.25.300 sets out the duties of boat operators and witnesses at boating accidents.

The operator of a boat that is involved in a boating accident that results in death, injury, or property damage shall remain at the scene of the accident and render reasonable assistance to injured persons and provide the names of occupants and the identifying number of the operator's boat to operators or survivors of the other boats involved in the accident.

A witness to a boating accident shall provide the witness's name to the operator and occupants of each boat involved in the accident, to injured persons, and to the owner of the property damaged in the accident.

Senator Arliss Sturgulewski
Page 3
February 4, 1989

Sec. 05.25 305 provides for reports of boating accidents involving the death or disappearance of a person.

The operator of a boat involved in an accident resulting in the death or disappearance of a person must notify the department of relevant information as soon as possible. If the operator of the boat is not available to give the notice, the owner or other persons on the boat must give the notice to the department.

Sec. 05.25.310 provides for reports to the department of accidents involving death, injury, or disappearance of a person or significant property damage or loss of the boat.

The department may require persons to submit supplemental reports. The department may also require witnesses to submit reports.

A report is required within 48 hours after the accident if a person dies within 24 hours after the accident, is injured, or disappears as the result of an accident. Reports not required to be submitted within 48 hours must be submitted within 10 days after the accident.

The department shall provide forms for reporting accidents. The forms shall request information required by Coast Guard regulations.

Sec. 05.25.315 provides that the state registrar of vital statistics shall forward to the department a copy of the death certificate for each death resulting from a boating accident.

Sec. 05.25.320 provides for the confidentiality of accident reports.

Accident reports are confidential and are solely for the use of administrative and enforcement agencies.

The department may disclose the following information to a party involved in an accident: the identity of the owner, operator, and occupants of each boat involved in the accident, the identifying number of each boat, the names of insurance companies insuring parties involved in the accident, and the identity of witnesses.

Accident reports may not be used as evidence in a civil action or criminal prosecution arising out of the action.

The department shall compile and analyze information from accident reports. The department shall publish statistical information on boating accidents.

The department shall provide information on accidents to federal officials as required by federal law.

Sec. 05.25.325 provides that AS 05.25.300 - 05.25.325 apply to all boats operated in the state except those exempted by state or federal law. Among the vessels exempted from AS 05.25.300 - 05.25.325 are documented vessels operated only for nonrecreational purposes, foreign boats temporarily in state water for nonrecreational purposes, boats owned and operated by the federal government, and a ship's lifeboat.

ARTICLE 3. NUMBERING AND REGISTRATION.

Sec. 05.25.400 requires boats to have a certificate of number.

A person may not operate a boat unless the owner of the boat holds a certificate of number for the boat and the certificate of number is carried on the boat and accessible for inspection.

Certain boats that are leased for a short term, noncommercial purpose are exempted from the requirement that the certificate be on board the boat if certain conditions are satisfied.

Sec. 05.25.405 provides for the placement of a boat's identifying number and decal.

A boat may not be operated in this state unless the boat displays its identification number and validation decal.

An identifying number shall be permanently located on the forward half of the boat or other appropriate position so that it is readily visible. No other number may appear on the forward half of the boat. The validation decal shall be placed three inches behind the identifying number.

Sec. 05.25.410 provides for the application for a certificate of number.

The owner of a boat or a boat dealer shall apply to the department for an identifying number. The applicant for an identifying number shall sign the application and pay the application fee.

A certificate of number issued to a boat dealer may be valid for more than one boat.

Sec. 05.25.415 provides for the application for a certificate of number for a boat that has already been awarded a certificate of number by the federal government or another state.

The owner of a boat that already has an identifying number issued by the federal government or another state must apply for a certificate of number from the department within 10 days after the appropriate reciprocity period expires. The reciprocity periods are set out in AS 05.25.445(6) and (7).

Sec. 05.25.420 provides for certificate of number fees to be set by the department.

Sec. 05.25.425 provides for the issuance of certificate of number and validation decals. The certificate of number must be wallet size and contain information describing the boat. The color of the validation decal shall be rotated over a four-year cycle.

Sec. 05.25.430 provides for the expiration of certificates of number and renewal and reissuance of certificates of number and validation decals. The identifying number of the boat does not change when the certificate of number is renewed.

Sec. 05.25.435 provides that a certificate of number is invalid if the boat is subsequently documented, the boat is destroyed, the applicant provides false information on the application, the boat has left the state for 60 days, or the owner of the boat loses ownership of the boat.

Sec. 05.25.440 provides that the owner of a boat must inform the department if the boat is transferred or sold, lost, stolen, recovered, or destroyed. The owner must also inform the department when the boat is no longer principally used in the state. The owner of a boat must also report a change of address.

Sec. 05.25.445 provides for exemptions from AS 05.25.400 - 05.25.440 for boats that are documented, foreign boats operated only temporarily in state water, owned and operated by the federal government or the state (other than a recreational type boat), a ship's lifeboat, or otherwise granted an exemption. Boats with a certificate of number issued by the federal government or another state are exempt for certain periods after entering the state.

ARTICLE 4. GENERAL PROVISIONS.

Sec. 05.25.900 provides for accounting and disposition of fees collected under this chapter.

Sec. 05.25.910 provides that the commissioner of public safety may exempt boats from provisions of this chapter, except when the exemption is inconsistent with federal law.

Sec. 05.25.920 provides for enforcement of this chapter by peace officers.

Sec. 05.25.930 provides that a violation of this chapter is a misdemeanor and is punishable by a fine of not more than \$500 or imprisonment for not more than six months or both.

Sec. 05.25.940 provides that the commissioner of public safety shall adopt regulations under the Administrative Procedure Act as necessary to implement this chapter.

Sec. 05.25.990 establishes definitions of "boat", "certificate of number", "commissioner", "dealer", "department", "length", "operate", "owner", "ownership", "passenger", "state of principal use", and "state water".

Section 2 of the bill repeals the existing state statutes relating to the operation of boats and boating safety, AS 05.25.010 - 05.25.100.

Section 3 of the bill provides that this Act takes effect January 1, 1990.

Position Paper

CS for SB 111 (SA)

For an Act entitled: "An Act relating to boating safety, boating accidents, and boat numbering;"

This Act amends AS 05.25 by adding sections requiring boats to carry specific safety equipment and outlines the procedures to be followed on reporting boating accidents. This bill also requires boats to be registered with the Department of Public Safety, to display registration numbers on the boat, and maintain a current registration on the boat when in operation.

The Department of Health and Social Services supports the passage of SB 111 and its intent to reduce boating accidents and their associated deaths and injuries.

Background

Traumatic injuries are the leading cause of death in Alaska. Among the causes of unintentional injuries, water transport related deaths are second only to deaths from motor vehicle accidents. In 1985 there were 94 deaths reported related to water transport accidents and 25 additional deaths due to drowning were recorded.

The Department of Health and Social Services has long recognized the magnitude of this problem. To address it the department has developed a water safety curriculum for children ("Cold Water Winners"). In cooperation with the Department of Public Safety, the University of Alaska Marine Advisory Program and various private agencies, the department has also developed an extensive marine safety and survival curriculum and a network of volunteer marine safety instructors. The continuation of these activities should be supported by the passage of this bill by making available federal funds that have been inaccessible in the past. Appropriations made to carry out the purposes of this bill should specifically include the provision of boating safety training as well as the administration of registration and accident reporting functions.

Position

The Department of Health and Social Services supports the passage of this bill and the improvement in accident reporting and boating safety equipment and training to reduce boating accidents.

Position Paper, CS for SB 111 (SA), page 2

Recommended by: Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date: March 26, 1989

Approved by: Myra W. Munson
Myra W. Munson
Commissioner
Department of Health and
Social Services

Date: ~~March 26, 1989~~ April 19, 1989

4/14/89
Senator Eliason

I am here to testify against Senate Bill 111.

This type of legislation has been around since the late 1960's and has never passed, due, I feel, to the infinite wisdom of prior legislatures!

I am a firm believer in safe boating. I have been a fisherman for most of my life and I understand fully the importance of having a working knowledge of marine safety. This is why I wholeheartedly support and commend the work that is being done throughout the state by the Alaska Marine Safety Education Association, or "AMSEA", and its member organizations (which include groups such as the University of Alaska Marine Advisory Program, Alaska Department of Education's Vocational Technical School, Northstar Survival, Inc. and others.)

AMSEA is in the process of expanding an instructor training network in Alaska to provide workshops, information, and demonstrations on marine safety, in communities throughout the state. (To date over 80 people have gone through this instructor training course and now teach in their home communities.)

In 1988, over 3,000 people attended AMSEA's marine safety classes so it is clear that there are excellent marine safety programs being offered statewide.

In addition to the educational opportunities currently available in the state, Congress passed into law the Commercial Fishing Industry Vessel Safety Act of 1988. This Act specifies very detailed requirements for safety equipment aboard fishing vessels. Equipment that will be required, ranges from fire extinguishers and survival suits, to life boats and EPIRBs, depending upon the size of the vessel. This Act also establishes a Commercial Fishing Industry Vessel Advisory Committee, (which the director of AMSEA has recently been appointed to.)

This Act outlines very stiff criteria that fishing vessels must meet with regards to vessel safety equipment. I feel that the requirements could meet even the toughest safety standards. On the other hand, I believe that the title of SB 111 is false advertising. The first two pages of this bill deal with boating safety--the other 13 outline boat registration requirements, placement of of number and decal, fees, enforcement, penalties, and regulations.

Aside from directing the Department of Public Safety to offer boating safety classes, this bill is aimed not at marine safety, but at adding another layer of bureaucracy to the

complicated registration process already in place for Alaskan boaters.

There has not been a lot of publicity on this bill and I believe that if boat owners around the state took the time to read and understand it, they would be extremely upset.

This bill would shift the responsibility for boat registration from the United States Coast Guard to the Alaska Department of Public Safety. This would be at great expense to the state of Alaska, (much more, I feel, than the fiscal note implies.)

Under current Coast Guard regulations, boats that travel on waters that have been formally classified as navigable are required to be registered with the Coast Guard. Aside from the ocean, this includes only eight waterways in Alaska, (the Yukon River is not classified as navigable).

With the passage of SB 111, all boats in the state, if put into any little river or lake in the state, would be subject to this boat registration requirement. There are approximately 30,000 registered boats in the state right now, the vast majority of which are located in coastal communities.

The Coast Guard estimates that there are another 20,000 that do not currently fall under the registration requirement, but would be subjected to the requirement if they were to put

their boat in virtually any water in the state. This means that any boater in the interior of Alaska wishing to put his skiff in a lake would be forced to first register with the Department of Public Safety.

Not only would a possible 20,000 additional boaters be required to register, the fee would be raised from \$6.00 to \$30.00 per three year registration period.

Additional paperwork, fees, and hassle is not what the boaters of Alaska need. They need good marine safety education programs that are readily accessible to them. There is a very real danger that passage of this bill would give us a false sense of security, having us believe that somehow we have "taken care of" the issue of boating safety. In reality, SB 111 barely addresses the issue of marine safety.

This legislation not only puts a great burden on Alaskan boaters; it would be done at an undeniably large expense to the State of Alaska. *TORPEDO THE B.I.X.*

Alaska State Legislature

SENATOR
ARLISS STURGULEWSKI



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Senate

PRESS RELEASE

By: Senator Arliss Sturgulewski
Contact: Frank Homan
465-3818

January 13, 1989

Senator Arliss Sturgulewski today introduced legislation (SB 111) establishing an Alaska boating safety program. The U.S. Coast Guard has stated that the death rate from recreational boating accidents in Alaska on a per capita basis is 28 times the national average. In the past four years, data provided by the state's Vital Statistics Research Section shows that boating related drownings are second only to motor vehicle accidents as a cause of unintentional deaths in Alaska. Boating related deaths have exceeded air craft accidents and fire fatalities during the four years from 1984 to 1987. For example, during that time an average of 57 deaths per year have occurred because of boating related drownings.

"These deaths are unnecessary and could have been prevented," Senator Sturgulewski said. "It is not acceptable that Alaska is the only state in the Union without a boating safety program. We need to correct this flaw," she said. "We need to protect the citizens of our state as well as the growing number of visitors coming to experience our great outdoors. I am particularly thankful to Admiral Nelson of the U.S. Coast Guard for his help and support for this legislation. He has been doing a fine job of bringing this issue to the public despite Coast Guard funding cuts on the national level," Sturgulewski said.

The Coast Guard would still continue their safety programs in federal waters and for documented vessels. The state would be responsible for all state waters including inland water where no program now exists. According to the U.S. Coast Guard, fatalities have decreased when a boating safety program has been established.

Sturgulewski said "I am introducing this new program for Alaska at this time because it does not have a direct impact on the state's general fund. The federal government provides funding to all states that develop a boating safety program and Alaska's share will be approximately \$250,000 per year. In addition," she said, "funds will also come from program receipts from the boating registration fees."

"There is increasing public awareness of the terrible personal tragedy associated with boating fatalities in Alaska and it is my hope that this legislation will lead to preventing the needless loss of life," she concluded.

The legislation has four main sections. The first and most important requires that the Department of Public Safety make available a boating safety education program to the public. Since there are groups capable of providing a public education program, the legislation allows the Department to contract out this requirement. The second section incorporates existing statutory requirements dealing with boating accident reporting to the Department. The third section establishes a boat registration program

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based on the already established and familiar U.S. Coast Guard program. The U.S. Coast Guard would turn over much of their program to the state. The final section outlines the enforcement and penalties established under the program. Senator Sturgulewski emphasized that the purpose of the legislation is safety oriented and that a wide spread public education program be established and conducted before any enforcement occur.

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

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Senate

MEMORANDUM

January 6, 1989

TO: All Senators

FROM: Senator Arliss Sturgulewski *AS*

RE: Boating Safety Legislation/Co-sponsorship

Alaska has the highest boating fatality rate in the nation. The U.S. Coast Guard has stated that Alaska's recreational boating death rate on a per capita basis is 28 times the national average. In 1987 there were 46 recreational boating deaths and 70% of these occurred in the inland regions of Alaska where no boating safety program exists.

Alaska is the only state in the Union without a boating safety program. The U.S. Coast Guard concentrates its efforts in federal waters and on commercial vessels but there is no statewide organized program for recreational boating.

There would be no general fund impact by establishing this program. Federal funds are available if Alaska adopts a boating safety and registration program. An estimated \$250,000 from federal funds would be available each year. The remaining funds would come from program receipts from the boating registration fees.

There is growing support for a boating safety bill and I will be re-introducing the attached legislation again this session.

If you would like to add your name as a co-sponsor, please contact Frank Homan on my staff at 465-3818 before Friday, January 13.

Attachment